

JOURNAL

OF THE

House of Representatives

OF THE

STATE OF ALABAMA,

BEGUN AND HELD AT THE TOWN OF CAHAWBA, ON THE THIRD
MONDAY IN NOVEMBER 1823.

BEING THE

FIFTH ANNUAL SESSION

OF THE

GENERAL ASSEMBLY OF SAID STATE.

CAHAWBA:

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1824

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

On Monday the seventeenth day of November, in the year of our Lord one thousand eight hundred and twenty-three, the day appointed by law for the meeting of the General Assembly, the following members of the House of Representatives appeared, were qualified, and took their seats :—

From the county of Mobile—Thomas L. Hallett.

From the county of Conecuh—Samuel W. Oliver, John Fields, and James Salter.

From the county of Monroe—John Gale, Samuel Dale, and William W. M'Connico.

From the county of Clarke—James Fitz and John G. Creagh.

From the county of Henry—Benjamin Harvey.

From the county of Wilcox—John Beck.

From the county of Dallas—Walter Crenshaw and George Phillips.

From the county of Perry—George Weissinger and John M'Laughlin.

From the county of Marengo—William Fluker.

From the county of Greene—Zachariah Merriwether and Julius Sims.

From the county of Tuscaloosa—James Hill, Hardin Perkins, and John L. Tindall.

From the county of Bibb—Charles A. Dennis Alexander Hill.

From the county of Montgomery—William M'Lemore and John C. Ashley.

From the county of Shelby—Samuel W. Mardis.

From the county of St. Clair—James Hardwick and George Shotwell.

From the county of Jefferson—John Brown and Isham Harrison.

From the county of Blount—Marston Mead.

From the county of Marion—James Moore.

From the county of Franklin—Temple Sargent and Theophilus Skinner.

From the county of Lauderdale—James Jackson and Caleb S. Manly.

From the county of Limestone—John W. Smith, Joseph Powell, William Whitaker, and Joshua L. Martin.

From the county of Lawrence—Zadock M'Vay, Benjamin B. Jones, and Joseph Young.

From the county of Morgan—William S. Goodhue and Horatio Philpott.

From the county of Autauga—William R. Pickett.

From the county of Madison—William I. Adair, (Speaker,) Thomas Miller, William Moore, John Vining, Henry King, Isaac Lanier, and William Fleming.

From the counties of Jackson and Decatur—William Barclay and Daniel Peyton.

The House then proceeded to the election of a Speaker; and the election being conducted *viva voce* , William I. Adair, one of the members from Madison county, was duly elected.

Whereupon Mr. Adair being conducted to the speaker's chair, made his acknowledgments to the House, and entered on the discharge of his duties.

The House then proceeded to the election of a principal clerk, whereupon N. Dodson was duly elected.

The House then proceeded to the election of a door keeper, whereupon R. B. Watson was duly elected.

The House then proceeded to the election of an assistant clerk, whereupon Thomas Tunstall was duly elected.

And then the House adjourned till to-morrow morning, nine o'clock.

Tuesday, November 18.

The House met pursuant to adjournment.

On motion of Mr. Crenshaw, *Resolved*, That the rules of order and decorum established in November, 1821, for the government of the proceedings of the House of Representatives of the State of Alabama, be the rules of order and decorum for the government of the proceedings of this House, for its present session, until farther corrected, revised, or repealed, and that 80 copies of the same be printed for the use of the members of this House.

On motion of Mr. Perkins, *Resolved*, That the Senate be informed that the House of Representatives is organized, and ready to proceed to business; and have chosen Wm. I. Adair, speaker, N. Dodson, principal clerk, Thomas B. Tunstall, assistant clerk, and R. B. Watson, door-keeper. Whereupon, Messrs. Perkins and Crenshaw were jointed to convey said Resolution to the Senate.

Mr. Phillips gave notice, that on to-morrow, he would move for leave to introduce a bill to be entitled an act respecting bail in civil cases.

On motion of Mr. Hardwick, *Resolved*, That a committee of three be appointed on the part of this House, to unite with the committee on the part of the Senate, to procure stationary for the Legislature, during the present session; and that the Senate be informed thereof. Whereupon Messrs. Hardwick, Hallett, and Powell were appointed said committee.

A message was received from the Senate, by Mr. Crabb, informing this House, that they had convened, elected Mr. Nicholas Davis, president thereof, Francis S. Lyon, secretary, David H. Burke, assistant clerk, and Matthew D. Thomason, door-keeper; and are ready proceed to business.

On motion of Mr. Jackson, the House proceeded to the election of an engrossing clerk. Whereupon William B. M'Clellan, was duly elected.

A message from the Senate by Mr. Bibb.

Mr. Speaker:—The Senate have adopted the following Resolution: *Resolved*, That a committee of two members be appointed, on the part of this House, to act with such committee as may be appointed on the part of the House of Representatives, to wait on the Governor and inform his Excellency, that the two Houses are now organized, and ready to receive any communication he may be pleased to make; and have appointed on their part, Messrs. Bibb and Hopkins.

On motion of Mr. Fleming, *Ordered*, That the House concur in said Resolution.

On motion of Mr. Perkins, *Ordered*, That a committee of three be appointed on the part of this House, agreeably to said resolution. Whereupon Messrs. Perkins, Gayle, and Creagh were appointed said committee.

A message from the Senate, by Mr. M'Vay.

Mr. Speaker:—The Senate have adopted the following resolution, in which they desire your concurrence.

"*Resolved*, That a committee of three persons be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to superintend the procuring of stationary for the use of the Legislature, during the present session." They have appointed, on their part, Messrs. M'Vay, Crabb, and Smith.

On motion of Mr. Hardwick, *Resolved*, That the following standing committees be appointed, to wit:

A Committee of Privileges and Elections.—Whereupon, Messrs. Hill, of Tuskaloosa, Mead, Pickett, Skinner and Weissinger, were re-appointed said committee.

A Committee of Propositions and Grievances.—Whereupon, Messrs. Harrison, M'Connico, M'Lemore, Miller, Oliver, and Philpott, were appointed said committee.

A Committee on Enrolled Bills.—Whereupon, Messrs. Fitts, Good-

Blue, Jones, Martin, Merriweather, and Perkins, were appointed said committee.

A Committee on Inland Navigation.—Whereupon, Messrs. Beck, Fields, Hardwick, M'Vay, Powell, and Vining, were appointed said committee.

A Committee on Roads, Bridges, Ferries, &c.—Whereupon, Messrs. Dennis, Harvey, Mead, Moore of Marion, and Salter, were appointed said committee.

A Judiciary Committee.—Whereupon, Messrs. Crenshaw, Creagh, Gayle, Martin, Mardis, Oliver, Perkins, and Young, were appointed said committee.

A Military Committee.—Whereupon, Messrs. Dale, Fleming, Gayle, Hill of Bibb, Jones, King, Manly, Philpott, and Sims, were appointed said committee.

A Committee on County Boundaries.—Whereupon, Messrs. Ashley, Barclay, Brown, Miller, Moore of Marion, and Whitaker, were appointed said committee.

A Committee on Schools, Colleges, and Universities, and School and University Lands.—Whereupon, Messrs. Fluker, Goodhue, Jackson, Martin, Merriwether, Phillips, Pickett, and Tindall, were appointed said committee.

A Committee on Ways and Means.—Whereupon, Messrs. Gayle, Jackson, Phillips, Sargent, and Vining were appointed said committee.

A Committee on Accounts.—Whereupon, Messrs. Hallett, Hill of Tuscaloosa, Moore of Madison, Shotwell, and Smith, were appointed said committee.

A Committee on Divorce and Alimony.—Whereupon, Messrs. Harvey, Lanier, McLaughlin, Peyton, and Sargent, were appointed said committee.

And then the House adjourned, till 3 o'clock this evening.

Evening Session.

Mr. Perkins, from the joint committee appointed to wait on His Excellency the Governor, and inform him, that both branches of the Legislature were organized and ready to receive any communication, he was pleased to make: Reported, That said committee had performed that duty, and received for answer, that he would on to-morrow at 10 o'clock, A. M. make a communication to each body, by message. And then the House adjourned till to-morrow morning 10 o'clock.

Wednesday, November 19.

The House met pursuant to adjournment.

Mr. Martin presented the petition of James Slaughter, praying for certain allowances to be made to him as tax collector for Limestone, which was read and referred to a select committee, consisting of Messrs. Martin, Whitaker and King.

Mr. Phillips, agreeably to the notice he gave yesterday, introduced a bill, to be entitled "an act respecting bail in civil cases," which was read a first time, and ordered to be read a second time to-morrow.

Mr. King presented the petition of Wm. E. Dupree, praying the emancipation of a slave named Billy.

Mr. Fleming presented the petition of Jacob Johnson, praying the emancipation of a certain negro man slave, named John Taylor; which petitions were severally read, and referred to a select committee, consisting of Messrs. King, Smith, Vining, and Fleming.

Mr. Fields presented the petition of Anthony Presler, praying that a law may pass, altering the name of Matilda Shuffel, his natural child, to that of Matilda Presler, and to legitimate the said Matilda Presler; which was read and referred to a select committee, consisting of Messrs. Fields, Oliver, and Salter.

On motion of Mr. Fitts, *Resolved*, That a select committee be appointed to enquire into the expediency of establishing a medical board, for the purpose of examining into the qualifications of persons, wishing to practise in this State; whereupon, Messrs. Fitts, Phillips, Goodhue, Manly and Oliver, were appointed said committee.

Mr. Crenshaw presented the proceedings of Butler Circuit Court, exercising Chancery Jurisdiction in the case of Mary H. Judge, against her husband William Judge, praying for a divorce.

Mr. Goodhue presented the proceedings of Morgan Circuit Court, exercising Chancery Jurisdiction in the case of Sarah Ann Newman, against her husband Francis Newman, for a divorce.

Mr. Speaker laid before the House the proceedings of Montgomery Circuit Court, exercising Chancery Jurisdiction, in the case of Ambrose Daniel, against his wife Mary Daniel, for a divorce; which were severally referred to the committee of Divorce and Alimony.

Mr. Phillips gave notice, that on to-morrow, he would move to amend the 38th rule for the government of the proceedings of this House.

On motion of Mr. Perkins, *Resolved*, That a committee be appointed to inquire into the expediency of reducing the salaries and fees of the different public officers and functionaries of the state, in proportion to the scarcity of money, and consequent greater value, where the interest of the state will justify it—with leave to report by bill or otherwise: whereupon Messrs. Perkins, Jackson, Hill of Bibb, Beck and Crenshaw, were appointed said committee.

On motion of Mr. Young, *Resolved*, That the committee on roads, bridges, ferries, &c. be instructed to inquire into the expediency of altering and amending the road laws.

Mr. Manly offered the following resolution: *Resolved*, That there be a select committee of five members appointed to draft and bring in a bill dividing the state into districts for the purpose of electing electors of President and Vice-President of the United States.

Mr. Oliver moved to amend said resolution by striking out all after the word "Resolved," and inserting in lieu thereof the following: "That a select committee be appointed to inquire into the most expedient manner of appointing electors of President and Vice-President of the United States, and that they report by bill or otherwise;" which amendment was adopted. The resolution as amended was then adopted: whereupon Messrs. Manly, Oliver, Crenshaw, Perkins, Gale, Fitts and Miller, were appointed said committee.

On motion of Mr. Hallett, *Resolved*, That the door keeper be authorized to contract for the supply of fuel and candles for this House during the present session.

On motion of Mr. Young, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of introducing a bill allowing appeals in criminal cases.

On motion of Mr. Martin, *Resolved*, That a committee of five members be appointed to inquire into the expediency of so altering the Constitution, as to have biennial instead of annual sessions of the Legislature: whereupon Messrs. Martin, Philpott, Jones, Creagh and Jackson, were appointed said committee.

On motion of Mr. Young, *Resolved*, That the committee of privileges and elections be instructed to inquire into the expediency of altering the existing laws and regulating voting in elections by the people: and that they report by bill or otherwise.

A communication in writing was then received from his Excellency the Governor, by Mr. J. J. Pleasants, Secretary of State, who delivered in the same at the speaker's table, and then withdrew.

The said communication was then read, as follows:

EXECUTIVE DEPARTMENT, Cahawba, November 19th, 1823.

Gentlemen of the Senate, and House of Representatives,

From a view of the several subjects requiring immediate legislative attention, together with such others as may present their claims for a share of your consideration; the present session will appear to be one of more than ordinary importance to the public. Among those questions most deeply affecting the permanent interests of the State, may be considered such as relate to the founding of its public institutions. Some of these will require for their correct determination, the most disinterested exercise of your judgment and understanding. You have already obtained from your fellow citizens, the best testimony of their full confidence, that all these interests will receive from you, a dispassionate attention, proportionate to their magnitude.

The State University with all incidental questions relating to its organization, its funds and its location, will be viewed by all as most interesting topics, and will not be agitated as matters of passing occurrence, but of general and lasting consequence.

By the act of 1821, the location was confided to a Legislative vote, to be determined at the same session, when the report of suitable sites should be made by the Trustees. The act of last session has divided the female department of the institution into three branches to be located at the same time with the principal site. I submit whether in the passing of such act as may be deemed necessary for extending the power of location, to the present or any subsequent session, it may not at the same time be expedient to postpone to a still more remote period, the location of the female branches; leaving each one to be selected on its own merits simply, and without the complicated consideration of the others. Although female education has ever been one of my favorite objects, and particularly so as connected with the proposed establishment; neither the state of the funds, nor the immature condition of our settlements require nor justify the precipitate organization of these branches. Indeed, the melancholy experience we have had in many portions of our coun-

try, may well justify the enquiry, whether the health of any place has been sufficiently tested, to warrant a preference in its favour as a site for the main branch of the institution; to which all concur in believing the first application of the resources should be made.

The Board of Trustees will hold their next session at this place, on the second Monday of December; when the report of their transactions, and of such views as they may deem applicable to their trust, will be presented to you.

By an act of the last session, daily pay and mileage was allowed to the Trustees while on duty. *Indemnity of expense* was only an act of justice to them, and indispensably necessary to ensure a prompt attention to the trust. It is however due to the members of that body to remark, that this indemnity in the form of *compensation* was not solicited on their part; nor so far as their present ideas are known to me, is it now preferred by them. Although the present compensation may not much exceed actual and necessary expense; yet a fair respect for the opinion of the public, which strongly favour an economizing policy in the government of such an institution, may justify if not require a change in the form of remuneration to those who superintend its concerns.

Our circulating medium, and the institutions therewith connected, form a most difficult and important subject for Legislative contemplation. The wholesome condition of these, like the vital circulation, is essentially promotive of that activity and order, with which the body politic is enabled to perform its useful functions. This again depends so much on that individual economy which regulates the great bulk of the dealings and industry of the country, that the means of affecting it favourably by acts of Legislation, are too often misapplied. This individual economy taken in the aggregate, regulates the balance of trade between our own, and other countries.—While this balance is suffered to continue against us, with the consequent drain of that portion of our medium which will bear transmission abroad; it is obvious that the remaining portion cannot long maintain both a plentiful, and a creditable circulation; nor can any multiplication of it by means of banks, evade the certainty of the pressure. A very slight view of our peculiar situation will be sufficient to shew that for some years hence the account current of our exchanges will exhibit large items against us, independently of the ordinary articles, composing the list of foreign consumption. This peculiarity applies to us in common with those States only, that are indebted to the General Government for their lands. These debts must not only be paid in cash, but in such kind as will answer the expenditures of the United States; few of which are applied within our State limits, or even within the sphere of our circulation: Operating not merely as a drain on the currency but of that portion of it which may be considered as the basis of the rest. The amount of this debt payable within a little more than five years, (to which the longest credit is extended,) may be estimated at five millions of dollars. Supposing that the amount applied to original purchases may equal the increase of capital by emigration; the annual debit against us for the period mentioned, may be computed at one million of dollars, or about one half of the annual export of cotton from the State. The other half of this export with the small amount of other pro-

ductions exported is left to balance against the articles of consumption introduced from all directions. In this general settlement of accounts, it is greatly feared that we will be found much in arrear, and that this to a material extent is the cause of our pecuniary difficulties. In this respect the operations of our commercial dealers have been peculiarly unfavourable. They have been the chief organs of shipment of our most valuable produce; and dealing too generally on fictitious capital, a large proportion of these shipments has been required as remittances to pay former debts due by them abroad for merchandize; or at best to anticipate the purchase of more. This is one of the sources to which we are to ascribe the exchange of so large a proportion of our produce, otherwise capable of commanding the soundest funds, for consumable foreign merchandize. It must be obvious that our exemption from peculiar pressure can only be maintained by a reform in our habits of dealing, sufficient to correct the excess of consumption. This corrective will prove more salutary than the increase of bank paper under any *form or name*. Indeed it is the most sure process by which solid banking capital may be either furnished or maintained.

In no portion of our community is a change in the established course of dealing more imperiously called for than in that which suffers most severely the evils of an unsound currency. And it may as truly be said that in none would the result be more immediately successful, in the introduction of a wholesome medium. This change would be from the unnatural into the natural channel of exchange. The channel which will float the present bountiful crop to its destined market, if allowed to return even one half of the avails, in the current money of that market, would replenish the circulation with specie, or with a paper truly and practically representing it—answering in all the dealings of the community, and in payments to the general government—not liable to be affected by the policy of the banks of the adjoining State, which has really or ostensibly so much impeded the operations of our bank in that quarter. This course though it would for a season reject from circulation the paper of the existing bank, and might have some interests and prejudices to oppose, would not fail eventually either to raise the credit of the existing bank with the tide of the general prosperity, or would lay the surest foundation for a new one; and the only solid foundation that can be laid, so far as the individuals composing the body of the population are allowed to participate in the capital. At the present and under the existing policy, the means of subscribing bank capital are not attainable to any considerable extent, within the sphere of that depreciated circulation; unless by those who may have access to the vaults of the existing institution.

Although a proper economy in the general dealings of the country, greatly affects the credit and prosperity of the currency & the banks; much also depends on the correct organization and government of those corporations. The only original bank now in the power of the Legislature to establish, is partially defined by the constitution, and distinguished with such immunities as will constitute it when organized a monopoly of most extensive influence over the currency of the State. This being a matter of general concernment, it would appear that a control over it, would be as indispensable, to be retained

by the government, as over any other public concern: and that the commitment of it to private hands without a fair control would be an abandonment of the public interest: there would then be no other security for a subserviency to the public good than the precarious interest of those conducting the concern, and the tardy process of a judicial investigation. We have seen that neither have proved sufficient. As regards the former we have too often observed the incentive of profit to outweigh a regard to the credit of the circulating paper. The suspension of payment, consequent upon extended discounts, often produces as much gain to the proprietors, as loss to all others. This state of things opposes inability of the debtors to pay promptly the loans contracted: these therefore remain on full interest, and of course admit of no dividends to the stock-holders as when in the most successful operation: while the temptation to unjust speculation on the depreciated paper is held out to those conducting the concern. As regards the remedy by judicial process, an example is not wanting of the delay and difficulty of this course, in the case of a local bank, and of the advantage of the public feelings and interest both, in insisting against it.

It is nevertheless believed that in the case of a commercial town, such as our principal port, a local bank on individual capital and direction may be of great advantage, affording the facility of accommodating its policy to the varying interests of trade. Such bank already exists and much the largest proportion of its capital is unsubscribed for; the same may be said of the two other banks now existing. The charters of all these are as favorable to stock-holders as any that can be formed consistently with the Constitution. So far therefore as a demand can exist for an institution to be owned and conducted by individuals, *that demand is already supplied.* The fact that so much room in the authorized capital of the banks now existing remains unoccupied, is evidence of the want of disposable capital. The capacity to subscribe, it would appear is embraced chiefly by those having access to the vaults of existing banks; if this position be correct, the experiment of a charter, and opening of books for individual subscription, would result no otherwise than in the establishment of a new bank, owned and governed by one or more of the old ones. The only conceivable effect of the project would be a change of name and perhaps of location, without additional capacity of doing good; and with the enlarged power and extended sphere for doing mischief.

We have the example of one institution purely and entirely *public*—both as respects *capital* and *direction*, continuing through years of war and peace in successful and creditable operation. The state bank of South Carolina is a source of great profit, dispensing almost without the necessity of taxation, while it has given essential aid in useful internal improvements, and which is still more important, furnishing at the same time a circulation regulated with a regard to no other than the general interest. It is a question worthy of inquiring how far this favorable example is susceptible of successful imitation. And here I admit, we meet at the very first step, a most difficult part of the inquiry—relative to the *funds* that may be applicable to the formation of the capital stock. The several sources within the reach of the state are known to you, and will of course come under your consideration. There is one source to which your attention has ne-

ever been officially invited, which, though involved as I confess in some difficulties, if accessible might furnish very ample results.— The sixteenth sections granted to the inhabitants of the several townships, if converted into money by a competent authority for the purpose, would probably produce a fund of several millions, and which under proper regulations and prudent husbandry, would yield to the several townships, in proportion to the product of their respective school-sections more regular, and perhaps also more durable support to education, than would be realized by the ordinary process of leasing. To command the aid of this resource, so many intricate questions may require to be solved, and the concurrence of so many opinions and interests to be obtained, that it would probably occasion delay, and eventually produce but partial success. This resource is therefore presented to your notice, without the most sanguine prospects of its result. In concluding this subject I would remark, that under whatever form a State Bank may now be chartered, it will be essentially requisite that very ample time should be allowed for the preparation of the means that must compose the capital.

The bank at Huntsville has not resumed specie payments, nor have I the means of giving you the encouraging prospect of such an event. The judicial proceeding instituted against that corporation to inquire whether it had incurred a forfeiture of its charter, is not yet finally determined. I would suggest that it might be the means of preventing delays in this as well as in other causes pending in the Circuit Courts, to make a provision for calling a special court to try cases continued at the regular terms, by reason of the interest of the presiding judge, as a party, or as a counsel.

The present session is one of those at which the legislature is required to provide for taking the census of the state, for the purpose of apportionment. According to the law of the U. States, electors of President and Vice President are to be chosen within thirty-four days preceding the second Wednesday of December, 1824. The mode to be prescribed for choosing the electors to which this state may be entitled, is a matter peculiarly within your province. You can also best ascertain the mode most satisfactory to the public, and which will at the same time, secure a fair and full expression of the voice of the state. I can only add my regret that a fair and uniform mode, by election of the people in districts, so often proposed as an amendment of the federal constitution, has so long continued unsuccessful; and I cannot abandon the hope, that a regard for the harmony and the permanency of the union, will ultimately obtain so far the ascendancy over state ambition as to give sanction to a uniform plan throughout the states, that shall be thus congenial with the structure of our government; and combining so happily the *national* and *federal* principles, in the selection of an executive chief for our federal empire.

In regard to our judicial department, the constitution having an eye to a period so shortly in advance, when some material changes may be made, it will not be expected that any radical amendments be now recommended. This will not, however, excuse me from noticing for immediate correction, such defects as appear obviously to impede the due administration of justice. One prominent defect in the judicial practice, is that by which the points in litigation in so great a

proportion of the causes, even in our highest courts of judicature have no relation to the merits. It often occurs that after a cause has been fairly determined, it travels up, with great delay and expense, into the highest appellate courts, and eventually is decided on some technical point of pleading, in which the justice of the controversy is not considered. This has a demoralizing tendency, and in some degree renders the law itself a subject of reproach. If the evil is thought worthy of your attention, it may deserve inquiry, whether a remedy to some extent might not be found in simplifying the mode of noticing defects in pleadings, and of amending the same, with such other provisions as may exclude all questions not affecting the merits, from further investigation after the rendition of judgment.

The decisions of the supreme court, though immediately affecting the parties litigant only, are considered as determining principles which become precedents in future cases, and have practically the force of law; yet these decisions have never been reported, and are only stored away on the files of the court, or in the memory of those hearing them pronounced. I submit whether it be not expedient to have them regularly reported and published after each term.

There is no mode under our statutes for contesting the validity of a will, but by bill in chancery; and that *after* it has first been admitted to probate. The more summary mode of contesting the execution of such instruments by *caveat*, before the probate, has elsewhere been found convenient.

There is no statute relating to the disposition of *escheated* property: nor is there any touching the case of property *forfeited* by reason of the incapacity of the purchaser to hold, as in the case of aliens.—*Escheats* and *forfeitures* have elsewhere been a source of some productiveness. The emigration from so many directions which has added to our numbers, has no doubt furnished, or may yet furnish subjects for the operation of such laws. These cases occurring occasionally, and in dispersed situations, may be made a subject of presentment by grand juries, as a mode of discovery. The application of the fund arising from this source may depend on the wisdom of future legislatures. I would, however, suggest, that it would be an appropriate fund for education of the children of the poor.

Some instances have occurred in which Clerks of Courts have removed from their counties, leaving the duty to be performed by deputy. Public offices being always conferred on the ground of personal confidence, their duties should mainly be performed by the principal in person. A removal or other abandonment of the duties for a length of time, should be made tantamount to a resignation.

It may afford a necessary accommodation to the Judges and others attending the first judicial circuit, now terminating with the counties of Washington, Mobile and Baldwin, to reverse the order of those courts, for the spring terms; retaining their present order for those of the fall.

The time occupied in passing and amending laws incorporating towns and societies, might be well saved by a general law of incorporation; prescribing the condition on which it may extend to any town or society; and also the manner in which this corporate condition may be removed, at the pleasure of the members or inhabitants concerned.

The latest official account received in relation to the three per cent fund applicable to improvements within this state, is that contained in the report from the Treasury Department to Congress during the last session. The amount appearing by that document to be due from the United States, up to the 30th June 1822, was \$23,770 75. Although I have not yet received the official information, which I have sought, as to the time when this fund may be obtained, consistently with the act of Congress limiting the payment thereof, to take place after the discharge of the debt due from the United States to the State of Georgia, and the Mississippi stock; yet no doubt is entertained that this fund may now be received, or at least within a very short period. The amount, though not sufficient to accomplish any extensive object, may be usefully employed toward partial improvement of immediate urgency, in our land and water communications, as well as in the examination of our navigable streams.

I would here present to your notice a few of the objects proposed, requiring small sums to produce considerable immediate results in our navigation. The shoal in the Tombecke near St. Stephens is a serious obstruction to steam boats, and even barges in tolerably low water, and may be removed at a small expense. A small sum might be employed with effect on the same stream, and on the Black Warrior and Alabama, in removing leaning trees, and occasional drifts, which cause much hindrance to boats and barges. From some recent efforts to ascend the Muscle Shoals on Tennessee river, it is believed that a comparatively small expenditure might there be employed with good effect, on some of the most difficult points. It is not pretended that any moderate appropriation could do more, than to render such aid to individual exertion as would make the ascent in the first instance, barely practicable for small boats. Yet even this would lead the way to further enterprize that might be ultimately useful. The connexion of the Tennessee waters with one of the branches of Coosa, has seriously occupied the attention of a large portion of the public spirited citizens of the State of Tennessee; and with a corresponding spirit on our part toward improving the shoals on Coosa—the important work might early be accomplished: opening a most extended interior communication northward.

In accomplishing the portion of this object, which is within our own limits, it is only expected of the State, to give the proper encouragement and direction, to a well adjusted individual association.

I would suggest that to accomplish any valuable public improvement, it will be necessary that a system should be digested, by which the public resources should not only be fairly applied to the general advantage of all sections of our country, but applied with the greatest effect. The Constitution of the State, Article 5, Section 21, was framed with a particular eye to this purpose, and if it is to be regarded at any stage of our operations, no time is so proper as at the commencement. A board of public works selected by the Legislature, would be of essential service in giving direction to the operation of engineers, adjusting plans for forming individual associations for effecting any necessary work—controlling expenditure of monies appropriated by law for such objects, and in furnishing to the Legislature correct and useful information respecting the various matters connected with our internal improvement. To this subject, I earnestly invite your attention.

Several of the roads authorized to be laid out by the acts of the last and preceding sessions, have been reported and approved, and partially opened, excepting in certain sections of the same, where the settlements are not sufficiently dense to effect it. In these instances, I submit, whether some small appropriation be not necessary.

By a communication from the ordnance department of the United States, it appears that the quota of arms to which this state is entitled for the several years from 1816 to 1822, inclusive, amounts to 1,112 stand of muskets. This is computed on the average number of our militia returned for those years, which numbers amount to 13,684.—The whole number of militia of the United States for these years average 903,172. It is very evident that we have lost much in this distribution by our own omission in furnishing regular and full returns of our military strength. And until our present plan (which has been continued by repeated enactments) shall be changed, we are not to expect better results. The circuitry required, would well suit a regular corps on duty; but the avocations of business and pleasure in time of peace, will always afford too much interruption in a complicated system. I have ordered the transmission of the arms to this place, and they may be expected before the close of the session. All have been ordered in muskets, excepting cavalry arms for two companies.

This additional store of public arms, will render it the more necessary to devote some attention to the condition of the present arsenal, and to the subject of preserving the arms most effectually, in which consideration will be embraced the enquiry whether, any amendment in the law defining the duties of the officer designated to that department be necessary. That part of the militia law relative to the imposition of fines, and the accountability of those receiving them, may need revision. A strict construction of the law will often exclude a defaulter from the advantage of a good excuse.

The introduction of slaves into the state for the purpose of traffic; cannot be otherwise than deprecated as a public evil. While it encourages a species of speculation the least meritorious, it tends to increase the wretchedness of the existing condition of slavery, and to detract from the strength and security of the country, if not also from its substantial wealth. It has been the humane and prudent policy of many of the neighbouring states to interdict this traffic, and I believe the same policy to be not less accordant with the interest and sentiments of our citizens. The subject is submitted to your wisdom. Whatever be your views upon it; I hope either that such provision may be made as will practically suppress the evil, or that it be left entirely unrestrained. Penal or restrictive laws habitually evaded or openly violated have ever proved to be demoralizing and worse than useless.

In conformity with the act of last session, requiring the renewal of the loan from the Bank of St. Stephens for furnishing a deposit to give credit to the Treasury notes, of which loan one half was authorized to be placed in the Treasury; the loan has been accordingly renewed, and \$1,000 dollars only has been transferred to the Treasury, no more being found necessary. The credit of these Treasury notes is so fully established, and the ability of the Treasury so ample to meet all of them that may be presented. I do not recommend a farther renewal of the loan.

Conformably with the act of last session, authorising an agent to be appointed to receive all slaves illegally imported and to employ them in public works, deemed to be of most utility to the state: such agent has been appointed and instructed to perform the duties required by the act in relation to all such slaves, and especially to apply to the Judge of the District Court of the United States for possession of the slaves in charge of the Marshal awaiting the adjudicating in the Sepreme Court, and on obtaining the same, to employ them under proper superintendants in improving certain of the leading roads between the extremes of the state. This application to the District Court had been encouraged by the highest judicial authorities of the United States, and was not objected to by the opposing claimants. The application has not however prevailed.

These cases will probably be finally determined at the approaching term of the Supreme Court of the United States. I have thought this interest sufficiently important to employ counsel to aid the Attorney General. I would submit, whether some provision might not be necessary in case of condemnation the better to realize the portion of interest which may appertain to the state, and whether (in case it should be the policy of the legislature to establish a board of public improvement) this portion may not be profitably retained *specifically* and employed in the public service.

In compliance with the act of last session, I have contracted for printing of the Digest of the Laws, to be executed in New-York, and delivered at this place complete for the sum of \$1,200. being the most favorable terms proposed. I have taken the liberty of inserting the State Constitution in addition to the instruments required, believing it not intentionally omitted in the act. Greater portion of the copies are hourly expected.

In the distribution directed by the act, there is no provision for furnishing copies to the governments of our sister States and of the Union, as is customary on like occasions.

The Digester of the Laws, to whom the task of superintendence of the printing had been assigned by the Legislature, by letter of the 5th of March, last, declined that portion of the trust, for reasons which no doubt well justified the measure. He has, however, completed the Digest of the Statutes of last session, and furnished the Table of Contents prefixed to the work. I designated the Attorney General to the unfinished portion of the duty which had been assigned to the Digester; and he has performed the same, by superintending the printing, and preparing the Index. From the superficial examination, I have had it in my power to give to the work, I trust it will fulfil the expectation of the Legislature and the public.

Since the last session, several vacancies have occurred, most of which have been filled by Executive appointment.

In the decease of Henry Y. Webb, one of the Judges of the Supreme Court, and the presiding Judge of the third Judicial Circuit, the State has lost a worthy citizen, and a valuable magistrate. The vacancy has been filled by the temporary appointment of Henry Minor.

E. D. Washburn has been appointed Judge of Montgomery County Court, in lieu of Nimrod E. Benson, resigned.

Peter Williamson has been appointed to the same office, in lieu of E. D. Washburn, resigned.

William Godfrey has been appointed Judge of Washington County Court, in lieu of Morrison Hunter, resigned.

William Hile has been appointed Judge of Mobile County Court, in lieu of John C. Mitchell, resigned.

Joseph B. Eason has been appointed Judge of Decatur County Court, in lieu of H. Billies, resigned.

A. Hutchinson has been appointed Solicitor of the Fifth Judicial Circuit, in lieu of Joseph Eastland, resigned.

Two vacancies have occurred in the Board of Trustees, one by the decease of R. W. Carter, the other by the resignation of George W. Owen.

In pursuance of the resolution of last session, I have contracted for a Map of the State, to be taken from the Surveys, in the Surveyor-General's office, and other correct sources, which I am advised is nearly ready, and will be furnished within a few days.

I have now brought to your view, the several matters, which, I deemed worthy of Legislative notice. I may have made many inadvertent omissions, as well as errors of judgment. But, I have the satisfaction to consider that, they are to pass in review before a co-ordinate department of the government; representing the wisdom of the State, as well as equally emanating from the general will of our constituents, and competent to the correction of all defects that may exist. As joint laborers in the same vineyard, our duties tend to the same points, and require for their consistent, and regular discharge, a harmony of feeling and understanding. This will much alleviate the arduous labors confided to us.

The path of public, as well as private life, is sufficiently chequered with adversity, from causes which providence has placed above our reach. To render our progress the more pleasant, will, I sincerely and cordially hope, be the mutual endeavor of all concerned in the duties of the present session; and that our united exertions, may be promotive of the greatest general good, and give the best direction to the rising destinies of our infant political community.

ISRAEL PICKENS.

On motion of Mr. Gayle, *Ordered*, That said communication be referred to the committee of the whole House, and that two hundred copies thereof be printed for the use of this House. And then the House adjourned till three o'clock this evening.

Evening Session.

On motion of Mr. Pickett, *Resolved*, That a committee of five members be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to inquire into the expediency of so altering the Constitution of the state of Alabama, that the judges of the circuit and county courts be elected for the term of years: Whereupon Messrs. Pickett, Young, Jackson, Perkins & Oliver, were appointed a committee for this House. And then the House adjourned till to-morrow morning, 10 o'clock.

Thursday, November 20.

Mr. Tindall presented the petition of sundry inhabitants of Pickens county, praying the passage of a law, to fix the site of the seat of justice for said county: which was read and referred to the committee on county boundaries.

On motion of Mr. Philpott, *Resolved*, That the judiciary committee

be instructed to inquire into the expediency of so amending the existing laws of this state, as to prevent sheriffs from executing any civil process issued by justices of the peace, except in cases of attachment.

Mr. King presented the petition of sundry inhabitants of Madison county, praying that a law may pass prohibiting sheriffs from executing process issued by justices of the peace.

Mr. Whitaker presented a petition of sundry persons, containing the same prayer as the above :

Mr. Goodhue presented the petition of sundry persons, containing the same prayer as the above :—Which were severally read, and referred to the judiciary committee.

The speaker laid before the House the proceedings of the circuit court of Butler county, exercising chancery jurisdiction, in the case of Margaret Toney against her husband, Charles Toney, for a divorce. *Ordered*, That the same be referred to the committee of divorce and alimony.

Mr. Jones presented the petition of Benjamin Sherroe, praying the passage of a law, reimbursing to him a sum of money illegally paid for taxes on his land : which was read and referred to a select committee, consisting of Messrs. Jones, M'Vay, and Sargent.

Mr. Perkins presented the petition of William Paine, an invalid, praying that a law may pass authorizing him to retail merchandize free of license : which was read and referred to the committee on propositions and grievances.

On motion of Mr. Jones, *Resolved*, That the judiciary committee be directed to inquire into the expediency of reducing the fees of justices of the peace and constables.

Mr. Powell presented the petition of sundry persons, praying that a man slave named John Taylor may be emancipated : which was read, and referred to the select committee to whom was referred yesterday the petition of William E. Dupree.

Mr. Powell presented the petition of sundry inhabitants of Limestone county, praying the passage of a law authorizing Robert Moore to cut a road leading from Reed's Ferry, on the Tennessee River, to Mooresville and Athens, in Limestone county : which was read and referred to the committee on roads, bridges, ferries, &c.

On motion of Mr. Pickett, *Resolved*, That the judiciary committee be instructed to inquire whether any, and if any, what alterations are necessary to be made relative to the compensation allowed to witnesses attending justices' courts.

In pursuance of notice given by him yesterday, Mr. Phillips moved, that the 38th rule for the government of the proceedings of this House, be so amended as to read thus : " Whenever it shall be necessary for a communication to be made from the House of Representatives to the Senate, the speaker shall appoint the principal or assistant clerk to bear the same : " which amendment was adopted.

Mr. Vining presented the petition of sundry inhabitants of Madison county, praying that in addition to the articles exempted by law from execution, one horse, under the value of fifty dollars, shall also be exempted : which was read and referred to the committee on propositions and grievances.

Mr. Weissinger gave notice, that on to-morrow he would ask leave to bring in a bill to be entitled, An act to alter the mode of appointing tax collectors.

Mr. Harvey obtained leave to introduce a bill, to be entitled "An act to vest in the judge of the county court and commissioners of roads and revenue of the county of Henry, a certain portion of land for county purposes:" which was read a first time, and ordered to be read a second time to-morrow.

On motion of Mr. M'Vay, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of authorizing justices of the peace, with the aid of a jury, to try cases of assault and battery, with leave to report by bill or otherwise.

Mr. Miller laid before the House the account of David Cobb, for apprehending and delivering to the gaoler of Madison county, Burkett Greene, charged with the murder of Warren Hart: which was received, and referred to the committee on accounts.

Mr. Martin, from the select committee to whom was referred the petition of James Slaughter, reported a bill to be entitled "An act for the relief of James Slaughter, tax collector of Limestone county, for the year 1821:" which was read a first time, and ordered to be read a second time to-morrow.

A bill, to be entitled "An act respecting bail in civil cases," was read a second time, and referred to a select committee, consisting of Messrs. Phillips, Gayle, Oliver, Moore of Marion, and Beck.

Mr. Mead laid before the House the account of Jeremiah Vestal, for boarding state's prisoners and guard, from 1st Dec. 1820, to 1st Oct. 1823: which was received, and referred to the committee on accounts.

On motion of Mr. Hill of Bibb, *Ordered*, That Mr. Dennis have leave of absence till Monday next.

On motion of Mr. Crenshaw, *Resolved*. That the editors of the Cahawba Press have a seat assigned them within the bar of this House, for the purpose of taking extracts of the proceedings of this House, and reporting its proceedings.

On motion of Mr. Oliver, *Resolved*, That the judiciary committee be directed to inquire into the expediency of altering the mode of selecting and compensating jurors; and that they report by bill or otherwise.

On motion of Mr. Phillips, *Ordered*, That the House resolve itself forthwith into a committee of the whole House, on the message of his Excellency the Governor; and after some time spent therein, the committee rose, and Mr. Phillips reported, that said committee had had the same under consideration, had made some progress, and asked leave to sit again, which leave was granted. And then the House adjourned till 3 o'clock this evening.

Evening Session.

Mr. Martin obtained leave to introduce a bill to be entitled, "An act to divorce Kelly Stegall from his wife Nancy Stegall, in pursuance of the decree of the circuit court of Limestone county, exercising chancery jurisdiction: which was read a first time, and ordered to be read a second time on to-morrow.

Mr. Phillips presented the petition of William R. Morrison, praying an allowance for money overpaid as tax collector for Dallas county: which was read and referred to the committee on ways and means.

Mr. Pickett introduced a bill to be entitled "An act to establish certain election precincts therein named, and for other purposes:"

which was read a first time, and ordered to be read a second time to-morrow.

On motion of Mr. Mardis, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of altering the time of holding the circuit courts in the several counties composing the third judicial circuit, so as to prevent the clashing of courts in adjoining counties, and that the said committee be allowed to report by bill or otherwise.

Mr. Moore, of Marion, presented the petition of Joseph Burleson, praying the passage of a law, granting him farther time to open a road therein named: which was read, and referred to the committee on roads, bridges and ferries.

The House again resolved itself into a committee of the whole House, on the communication of the Governor, and after some time spent in the consideration thereof, the committee rose, and Mr. Phillips reported that the committee had gone through the same, and asked leave to report on to-morrow—which leave was granted.

And then the House adjourned till to-morrow morning ten o'clock
Friday, November 21.

A message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*—The Senate have adopted the following resolution: "*Resolved*, That the House of Representatives be informed, that the Senate will convene in the hall of the House of Representatives, on Saturday next, at the hour of eleven o'clock, for the purpose of comparing the polls for the election of Governor of this state, and declare the result of the late election for Governor.

"They concur in the resolution of your honorable body, proposing to appoint a committee of five members on your part, to act with such committee as may be appointed on the part of the Senate, to inquire into the expediency of so altering the Constitution of the state of Alabama, that the judges of the circuit and county courts may be elected for the term of years; and have appointed on their part, Messrs. Murphy, Sullivan and M'Vay." And then he withdrew.

Samuel B. Moore, one of the members from Jackson and Decatur, appeared, was qualified, and took his seat.

On motion of Mr. Gayle, *Resolved*, That the Senate be informed, that on Saturday next, at 11 o'clock, this House will be ready to receive the Senate, and proceed to count the votes for Governor.

Ordered, That the clerk carry said resolution to the Senate.

On motion of Mr. Pickett, *Resolved*, That the members of the House deliver to the committee of privileges and elections their respective credentials, and that said committee report to the House as they may deem expedient.

Mr. Phillips, from the committee of the whole House on the Governor's communication, reported the following resolutions, to wit:

1. *Resolved*, That, that part of the Governor's message which relates to the probate of wills, be referred to the judiciary committee.
2. *Resolved*, That so much of the said message as relates to the election of electors of President and Vice President of the United States, be referred to the committee to whom was referred a resolution of this House in relation to the appointment of electors of President and Vice-President of the United States.

3. *Resolved*, That so much of said message as recommends simplifying the mode of noticing defects in pleading, and amending the same, be referred to the judiciary committee.

4. *Resolved*, That so much of the said message as relates to the sales of the sixteenth sections of land reserved for schools, be referred to the judiciary committee, with leave to report by bill or otherwise.

5. *Resolved*, That so much of said message as refers to a state bank, as also that part which relates to the fiscal situation of the country, be referred to the committee on ways and means.

6. *Resolved*, That, that part of said message which relates to the University, be referred to the committee on schools, colleges and universities, and school and university lands.

7. *Resolved*, That so much of the said message as relates to the militia returns, and the safe keeping of public arms, be referred to the military committee.

8. *Resolved*, that so much of said message as relates to navigation, be referred to the committee on inland navigation.

9. *Resolved*, That so much of the Governor's message as relates to the judicial department, and to the decision of the supreme court, be referred to the judiciary committee.

10. *Resolved*, That so much of said message as relates to the loan from Tombeckbe Bank, be referred to the committee of ways and means.

11. *Resolved*, That so much of said message as relates to roads, &c., be referred to the committee on roads, bridges, ferries, &c.

12. *Resolved*, That so much of said message as relates to the introduction of slaves into this state, be referred to a select committee.

13. *Resolved*, That so much of said message as relates to the three per cent. fund, be referred to the committee on ways and means.

14. *Resolved*, That so much of said message as relates to the passage of some general law, relating to the incorporation of towns and societies, be referred to the judiciary committee.

15. *Resolved*, That so much of said message as relates to the appointment of an agent to take into possession slaves illegally introduced into this state, be referred to a select committee.

16. *Resolved*, That so much of said message as relates to the Digest, be referred to the judiciary committee.

17. *Resolved*, That so much of said message as relates to the first judicial circuit, be referred to the judiciary committee.

18. *Resolved*, That so much of said message as relates to the ordinance department, be referred to the military committee.

Ordered, That the House concur in said report.

Agreeably to the 15th resolution, the speaker appointed a select committee, consisting of Messrs. Perkins, Jackson, Oliver, Creagh, and Moore of Jackson.

Agreeably to the 11th resolution, the speaker appointed a select committee, consisting of Messrs. Gayle, Crenshaw, M'Lemore, Vining, and Skinner.

On motion of Mr. Mead, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of making some legislative expression on the propriety or impropriety of justices of the peace demanding cost before appeals are granted, so as to make the practice of all justices of the peace throughout the state uniform.

Mr. Philpott offered the petition of Virginia Murray, praying the passage of a law, authorizing the sale of certain land therein named.

Mr. Powell presented the petition of Claiborne Wright, praying the passage of a law, authorizing him to clear out the Tennessee River between Milton's Bluff and the town of Florence, and to receive toll for navigating the same. Which petitions were read, and severally referred, the first to the committee on propositions and grievances, and the latter to the committee on inland navigation.

Mr. Jones presented the petition of Young A. Gray, praying the passage of a law, authorizing the sale of certain lands belonging to his infant son, James B. Gray: which was read, and referred to the judiciary committee.

Mr. Oliver, from the judiciary committee, to whom was referred a resolution of this House, instructing them to inquire into the expediency of authorizing justices of the peace, with the aid of a jury, to try causes of assault and battery—Reported, that said committee have had the subject under consideration, and deem it inexpedient to extend the jurisdiction of justices' courts to the trial of causes of assault and battery. *Ordered*, That the House concur in said report.

Mr. Oliver, from the same committee to whom was referred a resolution of this House, instructing them to inquire whether any, and if any, what alterations are necessary to be made relative to the compensation of witnesses attending justices' courts in this state—Reported, that said committee had had the same under consideration, and deem it inexpedient at this time to legislate on this subject. *Ordered*, That the House concur in said report.

Mr. King, from the select committee to whom was referred the petition of William E. Dupree, reported a bill to be entitled "An act to authorize William E. Dupree and Jacob Johnston to emancipate certain slaves therein named; which was read a first time, and ordered to be read a second time on to-morrow.

Mr. Mead laid before the House the remonstrance of Thomas Caldwell, complaining of malfeasance in office of Jeremiah Vestal, a justice of the peace of Blount county. *Ordered*, That said remonstrance be referred to a select committee: whereupon Messrs. Gayle, Oliver and Crenshaw, were appointed said committee.

On motion of Mr. Crenshaw, *Resolved*, That the committee on roads, bridges and ferries, be directed to inquire whether that part of the present road law, which requires in all cases hands to be appointed to the nearest road to which they reside, does not require alteration or amendment, with leave to report by bill or otherwise.

A bill to be entitled, "An act to vest in the judge of the county court and commissioners of roads and revenue for the county of Henry, a certain portion of land for county purposes," was read a second time. *Ordered*, That said bill be referred to the committee of propositions and grievances.

A bill to be entitled, "An act for the relief of James Slaughter, tax collector of Limestone county, in the year 1821," was read a second time, and referred to a select committee, consisting of Messrs. Weisinger, Martin, and Oliver.

Mr. M'Vay offered the following resolution: "*Resolved*, That the committee on roads, bridges and ferries, &c. be instructed to inquire into the expediency and propriety of passing a law to permit all li-

censed ministers of the gospel to pass free of expense all ferries, turnpikes, and toll bridges; and to make it the duty of all ferrymen, keepers of toll bridges, and turnpikes, to put them over, or let them pass free of ferriage or toll, when they are on their way to or from places of public worship.

Mr. Crenshaw moved to amend said resolution by inserting after the words "ministers of the gospel," these words—"and regular missionaries from religious societies"—which amendment was adopted. The resolution, as amended, was then adopted.

A bill, to be entitled "An act to establish certain election precincts therein named, and for other purposes," was read a second time, and ordered to lie on the table.

Mr. Young obtained leave to introduce a bill, to be entitled "An act to exempt the citizens of Moulton and Courtland from working on public roads, not included within the limits of the corporation of said town"—which was read a first time, and ordered to be read a second time on to-morrow.

Ordered, That Mr. Tindall be added to the committee to whom was referred the consideration of a resolution concerning the establishment of a medical board.

Ordered, That Mr. Powell be added to the committee on roads, bridges, ferries, &c.

Ordered, That Mr. Moore of Jackson, be added to the judiciary committee.

Ordered, That Messrs. Sims, Tindall, and Hill of Tuscaloosa, be added to the committee on county boundaries.

Ordered, That Messrs. Hallett, M'Connico and Oliver, be added to the committee of ways and means.

Ordered, That Mr. Jackson be added to the committee on inland navigation.

Ordered, That Mr. Jones be added to the committee on divorce and alimony.

Mr. Fitts obtained leave to introduce a bill, to be entitled "An act to alter the name of Green Hollinger to that of Green Mark Wood:?" which was read a first time, and ordered to be read a second time on to-morrow. And then the House adjourned till to-morrow 10 o'clock.

Saturday, November 22.

The House met pursuant to adjournment.

Mr. Gayle presented the petition of sundry inhabitants of Monroe, Clarke, and Washington counties, praying that a law may pass, authorizing Edward Smith to turnpike a certain road therein named.

Mr. Jackson presented the petition of sundry inhabitants of Lauderdale county, praying an alteration in the militia laws in relation to fines:—Which petitions were read, and severally referred, the first to the committee on roads, bridges, ferries, &c.—and the latter to the military committee.

Ordered, That Mr. Skinner be added to the military committee.

Mr. Hallett presented the petition of sundry citizens of the town of Mobile, praying that the tax on billiard tables may be reduced.

Mr. Jackson presented the petition of sundry persons, praying that a law may pass prohibiting sheriffs from executing process issued by justices.

Mr. Merriwether presented the petition of Thomas Wright, praying the passage of a law emancipating a negro named George.

Mr. Hallett presented the petition of Francis Mitchell, praying the passage of a law, emancipating his female negro slave Venus, and her infant child : which petitions were read and severally referred ; the first to the committee on ways and means ; the second, to the judiciary committee ; the third to a select committee, consisting of Messrs. Merriwether, Sims, and Hill of Bibb ; and the fourth to a select committee, consisting of Messrs. Hallett, Dale, and Ashley.

Ordered, That Mr. Moore of Jackson, be added to the committee on Divorce and Alimony.

Mr. Oliver laid before the House, the account of Micajah Shirley, gaoler of Conecuh, which was received and referred to the committee on accounts.

Mr. Oliver from the Judiciary Committee to whom was referred a resolution, instructing them to enquire into the expediency of making some legislative expression on the propriety or impropriety of justices of the peace demanding costs before the appeals are granted ; Reported, That said committee are of opinion, that the laws of this state do not authorize justices of the peace to demand costs on application for appeals from their decisions, and that such demands are oppressive and unjust. *Ordered*, That the House concur in said report.

Mr. Pickett from the committee of privileges and elections, to whom was referred the examination of the credentials of the members of this House ; Reported, That the members are all duly elected to represent the counties to which they respectively belong.

Agreeably to the notice which he gave on Thursday,

Mr. Weissinger obtained leave to introduce a bill, to be entitled "an act, to alter and amend an act, entitled an act to provide for assessing and collecting the taxes of this State, passed Dec. 17, 1821 ;" which was read the first time, and ordered to be read a second time on Monday next.

A message from the Senate by Mr. Lyon, their secretary.

Mr. Speaker—The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, That a committee be appointed to examine, and make a report of the situation of the State Arsenal, and the public arms contained therein, and that the House of Representatives be requested to appoint a committee to act in conjunction with said committee, and have appointed on their part, Messrs. Shackelford, Armstrong, and Crabb. And then he withdrew. *Ordered*, That the House concur in said resolution:—Whereupon, Messrs. Jones, Fleming and Sims, were appointed a committee on the part of this House.

Mr. Harrison obtained leave to introduce a bill to be entitled "an act to repeal all the acts of the General Assembly, heretofore in force, concerning divorce and alimony," which was read a first time and ordered to be read a second time on Monday next.

On motion of Mr. Philpott, *Resolved*, That the committee of ways and means be instructed to enquire whether any, and if any, what alterations are necessary to be made respecting the compensation now allowed for collecting the county tax in the several counties in this state.

Ordered, That Mr. Phillips be added to the judiciary committee.

On motion of Mr. Perkins, *Resolved*, That the Senate be informed

that this House is now ready to receive them for the purpose of counting the votes for Governor, and that the west end of the Representative Hall be assigned for their reception.

Ordered, The the clerk convey said resolution to the Senate.

The Senate having convened in the Hall of the House of Representatives, the speaker proceeded to count out the votes for Governor, which were as follows :

	<i>Pickens.</i>	<i>Chambers.</i>
The county of Marion, for	376	32
Washington,	254	91
Butler,	291	11
Jackson & Decatur,	438	776
Limestone,	177	1212
Blount,	165	353
Conecuh,	479	187
Mobile,	239	127
Wilcox,	444	58
Montgomery,	758	222
Libb,	458	210
Dallas,	706	223
Lawrence,	462	969
Perry,	655	29
Covington,	75	1
Marengo,	392	45
Clarke,	513	58
	<hr/> 6,942	<hr/> 4,604

Whereupon Mr. Speaker declared, that ISRAEL PICKENS, Esq. was duly elected Governor and Commander in Chief of the State of Alabama, by a majority of two thousand three hundred and thirty-eight votes. The Senate then withdrew.

A message from the Senate by Mr. Lyon, their secretary.

Mr. Speaker—The Senate have adopted the following resolution, in which they desire your concurrence :

Resolved, That a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on the Governor and inform him, that he has been duly and constitutionally elected Governor of the state of Alabama, for the ensuing two years ; and enquire when it will suit the convenience of his Excellency to take the oath of office. They have appointed, on their part, Messrs. Casey and M'Vay. And then he withdrew.

Ordered, That this House concur in said resolution. Whereupon, Messrs. Martin, Fluker and Weissinger, were appointed a committee on the part of this House.

Mr. Jones, from the select committee, to whom was referred the petition of Benjamin Sherrod, reported a bill to be entitled " an act refunding to Benjamin Sherrod taxes improperly paid," which was read a first time, and ordered to be read a second time on Monday next.

On motion of Mr. Miller, *Resolved,* That the military committee be instructed to enquire into the expediency of so amending the militia law, as to compel all commissioned officers, below the rank of

Colonel Commandant, to reside within the limits of their respective battalion, company, or district.

The House then proceeded to the orders of the day.

A bill to be entitled "an act to exempt the citizens of Moulton and Courtland from working on public roads, not included within the limits of the corporation of said towns," was read a second time.

Ordered, On motion of Mr. Jones, that said bill be indefinitely postponed.

Bills of the following titles, to wit: "An act to authorize William E. Dupree and Jacob Johnston, to emancipate certain slaves therein mentioned," and "an act to alter the name of a certain person therein named," were severally read a second time and ordered to lie on the table.

Ordered, That an engrossed bill, be entitled "An act to divorce Kely Stegall from his wife Nancy Stegall, in pursuance of the decree of the circuit court of Limestone county, exercising chancery jurisdiction," be laid on the table.

And then the House adjourned till Monday morning 10 o'clock.

Monday, November 21.

Mr. Martin, from the joint committee appointed to wait on his Excellency the Governor, and inform him that he is duly elected Governor of the state of Alabama, for the ensuing two years; and to enquire of him at what time it would be convenient for him to take the oath of office, Reported, that said committee had performed that duty, and received for answer, that he would be ready this day at 11 o'clock.

On motion of Mr. Hardwick, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of giving the justices of the peace, jurors, five or seven.

Mr. Lanier obtained leave to introduce a bill, to be entitled "An act for the relief of the people of the state of Alabama," which was read a first time, and ordered to be read a second time on to-morrow.

Mr. Mardis presented the account of Joab Lawler, against the state for holding an inquest over the body of Zachariah Butler, which was received and referred to the committee on accounts.

Mr. Jackson obtained leave to introduce a bill, to be entitled "An act to provide for the emancipation of slaves," which was read a first time, and ordered to be read a second time on Thursday next.

The Speaker laid before the House a communication from the comptroller, made in obedience to the act of Dec. 1820, making it the duty of the comptroller of public accounts to audit and make his remarks on all accounts, that may be presented on or before 1st day of October in each and every year; and to lay them before the Legislature within ten days after their meeting: which was received and referred to the committee on accounts.

Mr. Oliver, from the judiciary committee, to whom was referred a resolution of this House, directing them to take into consideration that part of the Governor's Message, which recommends the simplifying of the mode of noticing defects in pleadings and amending the same. Reported, that they have had the subject under consideration, and are of opinion, that it is inexpedient to adopt the alteration in pleading, contemplated in that part of the Message, contained in the above resolution; for they consider innovations in the known laws of the state

proper, when the interest of the community does not imperiously demand them. *Ordered*, That the House concur in said report.

Mr. Fields, from the select committee, to whom was referred the petition of Anthony Preslar, reported a bill to be entitled "An act to alter the name of, and legitimate a certain person therein named," which was read a first time, and ordered to be read a second time on Wednesday next.

Mr. Vining obtained leave to introduce a bill, to be entitled "An act to legalize registering and recording certain deeds or conveyances of lands in this state, and for other purposes," which was read a first time, and ordered to be read a second time to-morrow.

Mr. Moore, of Jackson, laid before the House a record of the proceedings in the circuit court of Decatur county, exercising chancery jurisdiction, in the case of Tempe Williams against her husband Geo. Williams, for a divorce," which was received, and referred to the committee of divorce and alimony.

Mr. M'Vay obtained leave to introduce a bill, to be entitled "An act to regulate the proceedings hereafter to be had before the justices of the peace," which was read a first time, and ordered to be read a second time on to-morrow.

Mr. Weissinger, from the select committee, to whom was referred a bill, to be entitled "An act for the relief of Jas. Slaughter, tax collector of Limestone county in the year 1821," Reported, that said committee had had the said bill under consideration; and had amended the same by adding, after the words "per annum," in the first section thereof, the following words: "together with fifteen per cent. damage on said sum of three hundred and ten dollars eighty-six and one-fourth cents:" *Ordered*, that the House concur in said amendment. *Ordered*, That said bill be engrossed for a third reading to-morrow.

A bill, to be entitled "An act to alter and amend an act, to provide for assessing and collecting the taxes of this state, passed Dec. 17th, 1821," was read a second time.

On motion of Mr. Phillips. *Ordered*, That said bill be referred to a select committee. Whereupon, Messrs. Phillips, Weissinger and M'Lemore, were appointed said committee.

A bill, to be entitled "An act to repeal all the acts of the General Assembly heretofore in force, concerning divorce and alimony," was read a second time, and referred to the committee on divorce and alimony.

A bill, to be entitled "An act refunding to Benjamin Sherrod, taxes improperly paid," was read a second time, and ordered to be engrossed for a third reading, on Wednesday next.

Mr. Moore, of Jackson, offered the following resolution, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing the law requiring endorsements on writs of the nature and cause of action at their commencement; and the law requiring a copy of the writ to be delivered to the defendant: which resolution was rejected.

On motion of Mr. Philpott, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the existing laws of this state, as to require the justices of the peace, in each captain's company, to hold a monthly court, at, or near, the centre of said company; and to make all process issued by them returnable to the same.

On motion of Mr. Oliver, *Resolved*, That a joint committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to wait on his Excellency Israel Pickens, and inform him, that both Houses are now ready to receive him for the purpose of his installation. Whereupon, Messrs. Pickett, Tindall and Manly, were appointed said committee. Ordered, that the clerk convey said resolution to the Senate.

A message from the Senate, by Mr. Bibb:

Mr. Speaker—The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, That the Senate and House of Representatives convene in the chamber of the House of Representatives, at 3 o'clock, P. M. on Wednesday next, for the purpose of electing two trustees of the State University, to fill the vacancy occasioned by the death of Robert W. Carter, and the resignation of George W. Owen.

They have also adopted the following resolution, *Resolved*, That a committee be appointed on the part of the Senate to join such committee as may be appointed on the part of the House of Representatives, to wait on his Excellency Israel Pickens and inform him, that the two Houses have met and are ready to receive him for the purpose of administering the oath of office. They have appointed on their part, Messrs. Crabb and Conner. And then he withdrew.

Ordered, That the first resolution lie on the table.

Ordered, That the House concur in the second resolution.

Ordered, That the clerk acquaint the Senate therewith.

On motion of Mr. Pickett, *Resolved*, That a message be sent to the Senate to inform them, that this House is ready to receive them for the purpose of installing his Excellency the Governor. *Ordered*, That the clerk convey the said resolution to the Senate.

The Senate having repaired to the hall of the House of Representatives, his Excellency took the oath of office, administered by Mr. Speaker, in presence of both Houses, and thereupon delivered an appropriate address to them.

His Excellency and the Senate then withdrew.

Mr. Oliver obtained leave to introduce a bill, to be entitled "An act to cut out a certain part of a road, therein named," which was read a first time, and ordered to be read a second time on to-morrow.

Mr. Mardis moved to reconsider the vote on the rejection of the following resolution: "*Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing the law requiring endorsements on writs of the nature and cause of action, at their commencement; and the law requiring a copy of the writ to be delivered to the defendant," which motion to reconsider was carried.—The resolution was then adopted.

Ordered, That Mr. Phillips be added to the committee on divorce and alimony.

Ordered, That Mr. Gayle be added to the committee on propositions and grievances; and then the House adjourned till 3 o'clock this evening.

Evening Session.

Mr. Phillips, from the select committee to whom was referred a bill, to be entitled "An act respecting bail in civil cases," Reported said bill without amendment.

Mr. Mardis moved to amend the first section of said bill by striking out all after the word "commenced" for the purpose of inserting the following: "Before any justice of the peace in and for any county in this state, and founded on any bill, bond, note or account, shall the defendant or defendants be held to bail, unless the plaintiff or plaintiffs, his or her attorney, shall first make oath in writing before the justice of the peace, who may issue the summons, that the defendant or defendants is indebted to the said plaintiff or plaintiffs in the sum of by bill, bond, note or account, and that he, she or they (as the case may be) apprehends the loss of the said sum, or some part thereof, unless the defendant or defendants be held to bail, and that he, she or they, do not require bail for the purpose of vexing or harassing the defendant or defendants; which said affidavit shall be filed in the office from whence the summons issued, and the justice of the peace who issued the summons shall endorse on the same the sum so sworn to, and the defendant or defendants shall be held to bail for the sum or sums so endorsed by the justice of the peace, taking such affidavit;" which amendment was lost. On motion of Mr. Oliver, *Ordered*, That said bill lie on the table.

Mr. Fields obtained leave to introduce a bill, to be entitled "An act for the better securing crops while adhering to the freehold," which was read a first time, and ordered to be read a 2d time on to-morrow.

Mr. Crenshaw laid before the House a record of the proceedings of Butler circuit court, exercising chancery jurisdiction in the case of Samuel Payne against his wife Elizabeth Payne, for a divorce," which was received and referred to the committee on divorce and alimony.

Mr. Barclay obtained leave to introduce a bill, to be entitled "An act concerning contracts," which was read a first time, and ordered to be read a second time to-morrow.

On motion of Mr. Weissinger, *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of providing, by law, a proper mode of deciding contested elections for Governor; and also to prescribe what shall be sufficient and competent testimony to convict the sheriffs failing to make returns as required by law, of the elections of different officers of this state, and in what manner, and by whom prosecuted for delinquencies.

On motion of Mr. Fleming, *Resolved*, That the committee on roads, bridges, ferries, &c. be instructed to inquire into the expediency of amending the road law, so as to exonerate all persons from working on roads by paying a fair compensation in money, in lieu thereof, to be laid out for the benefit of roads; and report any further consideration of the same. And then the House adjourned till to-morrow morning 10 o'clock.

Tuesday, November 25.

Mr. Mead, from the committee on roads, bridges, ferries, &c. to whom was referred the petition of sundry inhabitants of Limestone county, praying a road to be opened through some part of Morgan county, Reported, the prayer of the petitioners unreasonable, as they conceive that the county court of Morgan has ample and exclusive jurisdiction of such matters; and that were they to act otherwise on this petition, they would be unnecessarily legislating. *Ordered*, That the House concur in said report.

On motion of Mr. Young, *Resolved*, That the judiciary committee

be instructed to inquire into the expediency of providing a summary mode for the impeachment of justices of the peace for mal-practice in office.

On motion of Mr. Mardis, *Resolved*, That a select committee be appointed to inquire into the expediency of revising and so amending the existing laws, as to protect the persons of debtors from confinement: whereupon, Messrs. Mardis, Gayle and Crenshaw were appointed said committee.

Mr. Fluker obtained leave to introduce a bill, to be entitled "An act to provide for contesting the election of justices of the peace."

Mr. Moore, of Jackson, obtained leave to introduce a bill, to be entitled "an act to amend the laws now in force concerning writs of certiorari."

Mr. Phillips obtained leave to introduce a bill, to be entitled "an act to establish regular justices courts in this state:" which said bills were severally read the first time, and ordered to be read a second time to-morrow. *Ordered*, That 60 copies of the latter be printed for the use of this House.

On motion of Mr. Phillips, the House took into consideration a bill, to be entitled "an act respecting bail in civil cases:" said bill being on its second reading, Mr. Jackson moved to amend said bill by striking out therefrom these words in the first section thereof, to wit: "and that he, she or they (as the case may be) apprehends the loss of said sum, or some part thereof, unless the defendant or defendants be held to bail:" which motion was lost.

Yeas 20.

Nays 33.

The yeas and nays being called for, those who voted in the affirmative are,

Mr. Creagh,	Hill of Tusk.	Lanier,	Moore of Marion	Skinner,
Fluker,	Hill of Bibb,	Moore of Jackson	Martin,	Tindall,
Fleming,	Jackson,	McWay,	Pickett,	Vining,
Gayle,	Jones,	Mardis,	Sargent,	Whitaker.—20.

Those who voted in the negative, are,

Mr. Ashley,	Fields,	Merriweather,	Oliver,	Salter,
Beck,	Fitts,	McLemore,	Phillips,	Shotwell,
Brown,	Hallett,	Moore, of Mad.	Philpott,	Smith,
Barclay,	Harvey,	McLaughlin,	Powell,	Weissinger,
Crenshaw,	Harrison,	Mead,	Peyton,	Young.—33.
Dale,	King,	Manly,	Perkins,	
Dennis,	McConnico,	Miller,	Sims,	

Ordered, That said bill be engrossed for a third reading to-morrow.

Mr. Pickett, from the committee of privileges and elections, to whom was referred a resolution directing them to inquire into the expediency of altering the existing laws in relation to voting in elections by the people, Reported, That it is inexpedient to legislate on that subject—in which report the House concurred.

Mr. Miller, from the committee on propositions and grievances, to whom was referred the petition of William Payne, Reported, that the prayer of the petitioner is unreasonable, and ought not to be granted. *Ordered*, That the House concur in said report.

Mr. Miller, from the same committee, to whom was referred the petition of Virginia Murray, reported a bill to be entitled "an act allowing the guardian of Virginia Murray to sell certain lands therein mentioned:" which was read the first time, and ordered to be read a second time on Thursday next.

Mr. Miller, from the same committee, to whom was referred a bill, to be entitled "an act to vest in the judge of the county court and commissioners of roads and revenue of the county of Henry, a certain portion of land for county purposes:" Reported said bill without amendment. On motion of Mr. Harvey, *Ordered*, That said bill lie on the table.

A message from the Senate by Mr. Lyon, their secretary.

Mr. Speaker:—The Senate have read a third time and passed a bill originating in their body, of the following title, to wit: "an act declaring Cotaco in Morgan County, a public highway:" in which they desire your concurrence, and then he withdrew.

Mr Martin gave notice, that on to-morrow, he would move the adoption of the following rule: "Rule, whenever a member introduces a bill, or presents a petition in this House, he shall endorse on the back thereof, the title of the bill, and the prayer of the petition respectively, otherwise it shall not be received by this House.

A bill from the Senate, entitled "an act declaring Cotaco in Morgan County, a Public Highway:" was read a first time, and ordered to be read a second time on to-morrow.

The House then proceeded to the orders of the day.

A bill, to be entitled "an act for the better securing of crops, while adhering to the freehold:" was read a second time. *Ordered*, That said bill be engrossed for a third reading to-morrow.

Bills of the following titles, to wit:

"An act to regulate the proceedings hereafter to be had before justices of the peace.

"An act to open and cut out a certain part of a road therein named," and,

"An act to legalize registering and recording certain deeds or conveyances of land in this State, and for other purposes: were severally read a second time and ordered to lie on the table.

A bill, to be entitled "an act for the relief of the people of the State of Alabama:" was read a second time and referred to a select committee, consisting of Messrs. Lanier, Phillips and Oliver.

An engrossed bill, entitled "an act for the relief of James Slaughter, tax collector of Limestone county in the year 1821," was read a third time, and the question being put, shall this bill pass, it was decided in the affirmative.

Ordered, That the title be as aforesaid.

Ordered, That the Clerk acquaint the Senate therewith.

A bill, to be entitled "an act concerning contracts:" was read a second time, and referred to the judiciary committee.

The Speaker laid before the House, the record of the proceedings of the Circuit Court of Conecuh County, exercising chancery jurisdiction, in the case of Dorcas Walker, against her husband Noah Walker: which was received and referred to the committee on divorce and alimony.

And then the House adjourned till to-morrow morning ten o'clock.

Wednesday, November 26.

The Speaker presented the House the petition of sundry inhabitants of Madison county, praying an alteration in the law in relation to the 16th section in each township; which was read and referred to a select committee: Whereupon, Messrs. Fleming, Jackson, Phillips, Tindall and Moore, of Madison, were appointed said committee.

Mr. Weissinger presented the petition of sundry inhabitants of Perry county, praying the passage of a law, establishing a Medical Board; which was read and referred to the select committee to whom was heretofore referred the consideration of a resolution on that subject.

Mr. Fleming presented the petition of James T. Stewart, a free man of color, praying that a law may pass allowing him his oath in proving his accounts as free white people are; which was read and referred to the committee of propositions and grievances.

Mr. Speaker laid before the House the memorial of the president and directors of the Planters' and Merchants' Bank of Huntsville, praying that, in consideration of their intention to resume the payment of specie on or before the 1st day of August next, all proceedings against said bank may be suspended; which memorial was read, and referred to a select committee, consisting of Messrs. Young, Fleming, Jackson, Oliver and Gayle.

The Speaker also laid before the House the memorial of the merchants of Huntsville and Triana, praying an alteration of the mode of taxing merchandize, so that the tax shall be laid on all invoices of goods of foreign growth and manufacture; which memorials were referred to the committee of ways and means. The Speaker also laid before the House the account of Silas Parsons, sheriff of Jackson county, which was received and referred to the committee on accounts.

Mr. Harvey presented the petition of sundry persons of Pike county, praying the passage of a law appointing commissioners to remove the seat of justice for said county, nearer the centre of said county; which was read and referred to a select committee, consisting of Messrs. Harvey, Ashley and Fields.

Mr. Hill, of Bibb, presented the petition of Cynthia Johnston, praying the passage of a law authorizing her to hold property free from the control of her husband; which was read and referred to a select committee, consisting of Messrs. Hill of Bibb, Dennis and Mardis.

Mr. Mead laid before the House the remonstrance of Thomas Spraggins, complaining of Vestal Beeson for mal-practice in his office of justice of the peace for Blount County, and praying that he may be impeached and removed from office: which was read and referred to the select committee, to whom was referred the remonstrance against Thomas Caldwell.

Mr. Mardis presented the petition of the administrators of Thomas M'Henry, decd. praying authority to convey a title to certain lands sold by the intestate: which was read and referred to the judiciary committee.

Mr. Oliver, from the judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of so amending the existing laws of this state, as to require justices of the peace in each captain's company, to hold a monthly court at or near the centre of said company; and to make all process issued by them returnable to the same, Reported, that they had had the same under consideration, and asked to be discharged from the further consideration thereof, and inasmuch as it is embraced in a bill now in progress before this House. Ordered, that said committee be discharged from the further consideration of said resolution.

Mr. Oliver, from the same committee, to whom was referred a resolution, instructing them to take into consideration that part of the

Governor's Message, which recommends the passage of some law prohibiting deputy clerks from discharging the duties of principal clerks, Reported, That they consider it inexpedient to alter the law on that subject. The House concurred in said report.

A bill, to be entitled "An act to amend the laws now in force concerning writs of certiorari;" was read a second time, and referred to the judiciary committee.

On motion of Mr. Vining. *Resolved*, That the judiciary committee be instructed to inquire into the expediency of preventing securities from being sued on any specialty in writing *alone*, and before the principal is sued, where they both live in the same county; and where the principal is not out of the county on a journey.

Mr. Jones, from the joint committee, appointed to examine into the state of the arsenal and public arms, Reported, That said committee had performed that duty; and that they find the arsenal dry and in good order: and there eleven stand of arms in tolerably good order, and there twenty-two stand very much damaged by rust. They recommend that the quarter-master-general be instructed to have them cleaned and to repair such as can be rendered serviceable; in which report the House concurred. *Ordered*, That the resolution, and report thereon, be referred to the military committee.

On motion of Mr. Manly. *Resolved*, That the military committee be instructed to inquire into the expediency of revising and amending the military laws now in force, with leave to report by bill or otherwise.

Mr. Oliver, from the judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of repealing the law requiring endorsements on writs of the nature and cause of action at their commencement; and the law requiring a copy of the writ to be delivered to the defendant, Reported, that it is inexpedient to change and alter the law in the manner contemplated by the resolution.

Mr. Gayle, from the committee of ways and means, to whom was referred the petition of William R. Morrison, Reported, that the prayer of the petitioner is reasonable and ought to be granted; and that they recommend said petition to be referred to the committee of accounts; in which report the House concurred. *Ordered*, That said petition be referred to the committee of accounts.

Mr. Fitts, from the select committee, to whom was referred a resolution directing them to inquire into the expediency of establishing a Medical Board, reported a bill, to be entitled "An act to regulate the licensing of physicians to practice, and for other purposes; which was read a first time, and ordered to be read a second time to morrow.

Mr. Phillips, from the select committee, to whom was referred the consideration of a bill, to be entitled "An act to alter and amend an act entitled an act to provide for assessing and collecting the taxes of this state, passed the 17th December, 1821, Reported said bill with an amendment: in which amendment the House concurred. *Ordered*, That said bill lie on the table.

Mr. Merriweather, from the select committee, to whom was referred the petition of Thomas Wright. Reported a bill to be entitled

"An act to authorize Thomas Wright to emancipate certain slaves therein named;" which was read a first time, and ordered to be read a second time to-morrow.

Mr. Beck, from the committee on inland navigation, to whom was referred the petition of Claiborne Wright, Reported, that the prayer of the petition is unreasonable, and ought not to be granted. In which report the House concurred.

Mr. Crenshaw laid before the House the annual report of the comptroller of public accounts, accompanied by the following communication:

COMPTROLLER'S OFFICE. }
November 26, 1823. }

Sir—I have the honor to transmit the enclosed as my annual report on the finances of the state, for the year ending this date.

I am very respectfully, Sir, your most obedient servant.

SAMUEL PROKENS.

The Hon. WILLIAM L. ADAIR,

Speaker of the House of Representatives.

Ordered, That said report be referred to the committee on accounts.

Ordered, That sixty copies thereof be printed for the use of this House.

Mr. Skinner obtained leave to introduce a bill, to be entitled "An act amendatory to the law now in force relative to the sale of real estate;" which was read a first time, and ordered to be read a 2d time on Monday next.

Mr. Moore, of Jackson, obtained leave to introduce a bill, to be entitled "An act concerning county court judges;" which was read a first time, and ordered to be referred to the judiciary committee.

Message from the Senate, by Mr. Lyon their secretary:

Mr. Speaker—The Senate have read a third time and passed a bill, originating in your house, entitled "An act for the relief of James Slaughter, tax collector of Limestone county, for the year 1821." And then he withdrew.

A bill, from the Senate, entitled an act declaring Cotaco, in Morgan county, a public highway, was read a second time.

Mr. Philpott moved to amend said bill by adding thereto another section; which was adopted. *Ordered*, That said bill be read a 3d time to-morrow.

A bill to be entitled "An act to provide for the contesting the elections of justices of the peace and constables, was read a second time, and amended. *Ordered*, That said bill be engrossed for a third reading to-morrow.

A bill, to be entitled "An act to alter the name of, and legitimate a certain person therein named; was read a second time, and ordered to be engrossed for a third reading to-morrow.

An engrossed bill, entitled "An act refunding Benjamin Sherred taxes improperly paid;" was read a third time and passed. *Ordered*, That the clerk acquaint the Senate therewith.

An engrossed bill, entitled "An act for the better securing crops while adhering to the freehold," was read a third time.

Mr. Young moved that the further consideration of said bill be indefinitely postponed; which was carried.

An engrossed bill, entitled "An act respecting bail in civil cases," was read a third time, and the question being put, shall this bill pass? it was decided in the affirmative—yeas 37, nays 19.

The yeas and nays being called for, those who voted in the affirmative, are.

Mr. Ashly	Fields	King	McLaughlin	Shotwell
Beck	Fitts	Lanier	Manly	Smith
Brown	Fluker	McConnico	Oliver	Whitaker
Barclay	Gayle	Morriwether	Phillips	Weissinger
Crenshaw	Hallett	McLemore	Powell	Young—37.
Creagh	Harvey	McVay	Peyton	
Dale	Hill of T.	Moore of Mad.	Salter	
Dennis	Harrison	Mead	Sims	

Those who voted in the negative, are,

Mr Speaker	Hardwick	Mardis	Philpott	Skinner
Fleming	Jackson	Moore of Mar.	Pickett	Tindall
Goodwine	Jones	Martin	Perkins	Vining—19.
Hill, of B.	Moore of J.	Miller	Sargent	

Ordered, That the clerk acquaint the Senate therewith.

Ordered, That Messrs. Fluker and Barclay, be added to the committee on divorce and alimony.

Ordered, That Messrs. Miller and Vining be added to the committee on roads, bridges, ferries &c.

And then the House adjourned till to-morrow morning ten o'clock.

Thursday, November 27.

The Speaker laid before the House a communication of the treasurer, accompanied by his annual report: which communication is as follows:

TREASURY OFFICE,

November 26th, 1823.

SIR—You will be pleased to receive the enclosed, as my annual report, for the year ending the 26th Nov. 1823.

I have the honor to be, sir,

Your very humble and obedient servant,

JOHN C. PERRY.

The Hon: WILLIAM L. ADAIR,

Speaker of the House of Representatives.

Which report was received.

On motion of Mr. Barclay. *Ordered*, That 60 copies thereof, be printed for the use of this House.

Mr. Dennis presented the petition of sundry inhabitants of Bibb and Autauga counties, praying that it may be made punishable by law, to grant licenses to strolling Indians to hunt within this state, and that they may be allowed to patrol said Indians.

Mr. Hallett presented the petition of sundry inhabitants of Mobile county and town, praying, that the judge of the county court of said county, be allowed \$1000 per annum, in addition to his fees of office heretofore allowed; which petitions were severally read and referred; the first to the committee of propositions and grievances: and the latter to a select committee consisting of Messrs. Hallett, Creagh and Fields.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker:—The Senate have read a third time and passed, bills originating in their body of the following titles to wit:

“An act restricting the recovery of claims against the counties respectively in certain cases;” and an act to amend an act, entitled “An act, to establish a public road from the house of John Gandie, in Morgan county, to Baltimore or Morgan’s Springs in Blount county;” in which they desire your concurrence.

Mr. Mead, from the committee on roads, bridges, ferries, &c. to whom was referred a resolution requiring them to inquire into the expediency and propriety of passing a law to permit the licensed ministers of the gospel and regular missionaries from religious societies, to pass, free of expense, all ferries, turnpikes and toll bridges; Reported, That they are of opinion it is inexpedient to pass any law on the subject; in which report the House concurred.

Mr. Oliver, from the judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of allowing justices’ courts, a jury to consist of five or seven; Reported, That they had considered the same, and ask leave to be discharged from the further consideration: and the committee were accordingly discharged.

Mr. Oliver, from the same committee, to whom was referred a resolution directing them to inquire into the expediency of reducing the fees of justices and constables; reported a bill, to be entitled “An act regulating the fees of justices and constables;” which was read a first time, and ordered to be read a second time on to-morrow.

Mr. Oliver, from the same committee, to whom was referred a resolution directing them to inquire into the expediency of preventing securities from being sued on any specialty in writing alone, and before the principal is sued, where they both live in the same county, and where the principal is not out of the county on a journey; Reported, that they consider it inexpedient to alter the law on this subject. In which report the House concurred.

Mr. Fitts, from the select committee, to whom was referred a resolution originally a resolution directing them to inquire into the expediency of establishing a Medical Board; and subsequently the petition of sundry inhabitants of Perry county, praying that physicians may not be allowed to practice without a license; Reported, That said committee had had the said petition under consideration; and beg to be discharged from the further consideration of said petitions, as its object is embraced in a bill now before the House:—The committee were accordingly discharged from the further consideration thereof.

A bill, from the Senate, entitled “An act to amend an act entitled an act to establish a public road from the house of John Gandie in Morgan county, to Baltimore or Morgan’s Springs in Blount county, passed 23d December, 1822;” was read the first time, and ordered to be read the second time to-morrow.

A bill, from the Senate, entitled “An act respecting the recovery of claims against the counties respectively;” was read a first time.

Ordered, That said bill be read a second time to-morrow.

A bill, to be entitled “An act to regulate the licensing of physicians, and for other purposes;” was read a second time, amended, and ordered to be engrossed and be read a third time to-morrow.

A bill, to be entitled "An act regulating the mode of proving accounts;" was read a second time.

On motion of Mr. Jackson; *Ordered*, That the further consideration of said bill be indefinitely postponed.

A bill, to be entitled "An act to allow the guardian of Virginia Murray to sell certain land therein named;" was read a second time.

Mr. Jackson moved, That the further consideration of said bill be indefinitely postponed; which was rejected.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker:—The Senate have adopted the following resolution, in which they desire your concurrence.

Resolved, That a committee be appointed on the part of the Senate to act with such committee as may be appointed by the House to examine the documents in relation to the superintendence of the printing of the digest, and making the index for the same. They have appointed on their part, Messrs. Bibb, Sullivan and Hopkins.

Ordered, That the House concur in said resolution: whereupon, the speaker appointed Messrs. Oliver, Moore of J. Creagh & Mead a committee on the part of this House, agreeably to said resolution.

A bill, to be entitled "An act to provide for the emancipation of slaves;" was read a second time, and referred to a select committee consisting of Messrs. Phillips, Jackson and Jones.

Mr. Phillips presented the account of John B. Norris, sheriff of Dallas county; which was received and referred to the committee of accounts.

Mr. Fleming obtained leave to introduce a bill to be entitled "An act explanatory of the several acts now in force in this state to suppress duelling," which was read a first time, and ordered to be read a second time to-morrow.

On motion of Mr. Barclay, *Resolved*, That the Senate and House of Representatives will assemble in the Representative Hall, on to-morrow, at eleven o'clock for the purpose of electing an adjutant general; *Ordered*, That the Senate be acquainted therewith.

Mr. Martin obtained leave to introduce a bill, to be entitled "An act concerning constables;" which was read a first time and ordered to be read a second time on to-morrow.

Mr. Pickett obtained leave to introduce a bill, to be entitled "An act to increase the compensation of jurors in the county of Autauga." ga."

And then the House adjourned till to-morrow morning 10 o'clock.

Friday, November 28.

Mr. Oliver, from the judiciary committee, to whom was referred a bill, to be entitled "An act to amend the law now in force concerning writs of certiorari;" reported said bill without amendment; which was read a first time, and ordered to be read a second time on to-morrow.

Mr. Oliver, from the same committee, to whom was referred a resolution instructing them to take into consideration that part of the Governors' Message which relates to the digest: Reported, That said committee had had the same under consideration; and beg to be discharged from the further consideration of said resolution, inasmuch as it has been referred to a joint committee, which now has the subject under consideration.

Ordered, That said committee be discharged from the further consideration thereof.

Mr. Martin, from the committee on enrolled bills, Reported, that said committee had examined a bill to be entitled an act for the relief of James Slaughter, tax collector of Limestone county in the year 1821, and find the same correctly enrolled.

Mr. Lanier, from the select committee, to whom was referred a bill, to be entitled an act for the relief of the people of the state of Alabama, reported said bill without amendment.

On motion of Mr. Mardis, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of setting apart by law, the first days of each term of the circuit courts in this state, for the purpose of trying all state causes; and also to require the clerks of the several courts aforesaid to make all subpoenas issued by them returnable on the day set apart for the trial of each cause.

A bill, to be entitled "An act to increase the compensation of jurors in the county of Autauga," introduced yesterday by Mr. Pickett, was read a first time, and ordered to be read a second time to-morrow.

A message from the Senate, by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have read a third time, and passed a bill, to be entitled "An act to alter the time of holding the general elections in this state;" also a resolution extending the time of payment for lots in the town of Cahawba, both of which originated in their body; and in which they desire your concurrence.

A bill, to be entitled an act regulating the fees of justices and constables, was then taken into consideration, and read a second time.

Ordered, That said bill lie on the table.

The House then took into consideration a bill to be entitled an act for the relief of the people of the state of Alabama—said bill being on its second reading. *Ordered*, That said bill lie on the table.

A bill, to be entitled an act concerning constables, was read a second time, and ordered to be engrossed for a third reading on Monday next.

A bill, to be entitled an act explanatory of the several acts now in force in this state to suppress duelling, was read a second time: ordered to be engrossed for a third reading to-morrow.

An engrossed bill, entitled an act allowing the guardian of Virginia Murray to sell certain land therein named, was read a third time, and the question being put, Shall this bill pass? it was decided in the negative—yeas 7, nays 47.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Gayle	Philpott	Vining	Whitaker	Peyton—7.
Harrison	Perkins			

Those who voted in the negative, are,

Mr. Speaker	Fluker	Lanier	McLaughlin	Shotwell
Ashley	Fleming	McConnico	Manly	Sargent
Brown	Goodhue	Merriwether	Martin	Skinner
Barclay	Hallett	McLemore	Miller	Smith
Crenshaw	Harvey	Moore of J.	Oliver	Tindall
Creagh	Hill of T.	McVay	Phillips	Weissinger
Dale	Hill of B.	Moore of Md.	Powell	Young—47.
Dennis	Jackson	Mardis	Pickett	
Fields	Jones	Mead	Salter	
Fitts	King	Moore of Ma.	Sims	

On motion of Mr. Perkins, *Resolved*, That the military committee be instructed to inquire into the expediency of so altering the militia laws, that the adjutant general will be required to attend the respective regimental musters and drills, and perform the duties required by the brigade inspectors, or dispense with that officer; and make all militia reports returnable to the secretary of state, and make it his duty to consolidate the same in manner that is now required to be done by the adjutant general.

A bill from the Senate, entitled an act to amend an act entitled an act to establish a public road from the house of John Gandie, in Morgan county, to Baltimore or Morgan's Springs, in Blount county, passed December 23d, 1822, was read a second time, and ordered to be read a third time to-morrow.

A bill from the Senate, entitled "An act restricting the recovery of claims against the counties respectively, in certain cases," was read a second time, and ordered to be read a third time to-morrow.

A bill and a resolution from the Senate, of the following titles, to wit:

"An act to alter the time of holding the general elections in this state;" and a "resolution extending the time of payment of lots in the town of Calhauya;" were severally read a first time, and ordered to be read a second time to-morrow.

Ordered, That Mr. Hardwick have leave of absence during the continuance of his indisposition.

Mr. Creagh obtained leave to introduce a bill, to be entitled an act supplemental to the laws respecting garnishment.

Mr. Gayle obtained leave to introduce a bill, to be entitled an act regulating appeals in criminal cases; which bills were severally read a first time, and ordered to be read a second time to-morrow.

Mr. Moore, of Marion, obtained leave to introduce a bill, to be entitled "An act concerning estrays;" which was read a first time, and ordered to be read a second time to-morrow.

Ordered, That Messrs. Dennis and Perkins be added to the military committee.

An engrossed bill, to be entitled "An act to regulate the licensing of physicians to practise, and for other purposes therein named," was read a third time.

Mr. Young moved the following amendment, by way of rider:—
Provided, That nothing contained in the foregoing act shall be so construed as to prevent persons from practising as doctors of medicine who may have received a diploma from any regular constituted medical institution within the United States: *And provided further*, That such person shall have been engaged in the practise of medicine within two years previous;" which amendment was adopted—Yeas 30, Nays 24.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fleming	McLemore	Martin	Sargent
Barelay	Goodhue	Moore of J.	Philpott	Skinner
Creagh	Hallett	McVay	Powell	Smith
Dennis	Harvey	Moore of Ma L.	Peyton	Vining
Fleet	Hall of T.	Medis	Pickett	Whitaker
Flucker	Jones	Moore of Mar.	Shetwell	Young—30.

Those who voted in the negative, are,

Mr. Ashley	Fitts	King	Manly	Salter
Beck	Gayle	McConnico	Miller	Sims
Brown	Hill of B.	Merriwether	Oliver	Tindall
Crenshaw	Harrison	Mead	Phillips	Weissinger—24.
Dale	Jackson	McLaughlin	Perkins	

Mr. Lanier moved, that the further consideration of said bill be indefinitely postponed. Mr. Martin called for the previous question, and the question being put, Shall the main question be now put? it was decided in the affirmative. The question was then taken on Mr. Lanier's motion, for the indefinite postponement of the further consideration of said bill, and decided in the negative—Yeas 21, Nays 34.

The yeas and nays being called for thereon, those who voted in the affirmative, are,

Mr. Speaker	Goodhue	McLemore	Moore of Mar.	Tindall
Ashley	Harvey	Moore of J.	Philpott	Shotwell
Barclay	Hill of B.	Moore of Mad.	Powell	Vining
Crenshaw	Lanier	Mardis	Peyton	Whitaker—21
Fields				

Those who voted in the negative, are,

Mr. Beck	Fleming	King	Martin	Sims
Brown	Gayle	McConnico	Miller	Sargent
Creagh	Hallett	Merriwether	Oliver	Skinner
Dale	Hill of T.	McVay	Phillips	Smith
Dennis	Harrison	Mead	Pickett	Weissinger
Fitts	Jackson	McLaughlin	Perkins	Young—34.
Fluker	Jones	Manly	Salter	

The question was then put, Shall this bill pass? and decided in the affirmative—Yeas 33, Nays 22.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Fluker	Jones	Manly	Sims
Beck	Fleming	King	Martin	Sargent
Brown	Gayle	McConnico	Oliver	Smith
Creagh	Hallett	Merriwether	Phillips	Weissinger
Dale	Hill of T.	McVay	Pickett	Young—33.
Dennis	Harrison	Mead	Perkins	
Fitts	Jackson	McLaughlin	Salter	

Those who voted in the negative, are,

Mr. Speaker	Harvey	Moore of Mad.	Powell	Vining
Barclay	Hill of B.	Mardis	Peyton	Whitaker—22
Crenshaw	Lanier	Moore of Mar.	Shotwell	
Fields	McLemore	Miller	Skinner	
Goodhue	Moore of J.	Philpott	Tindall	

Ordered, That the clerk acquaint the Senate therewith.

And then the House adjourned till to morrow 10 o'clock.

Saturday, November 29.

Mr. Phillips presented the petition of sundry inhabitants of Dallas county, praying for relief to the purchasers of lots in the town of Cabawba; which was received, and ordered to lie on the table.

Mr. Hallett presented the petition of the Harbor master of the port of Mobile, praying an alteration of the law in relation to that port; which was received, and referred to a select committee, consisting of Messrs. Hallett, Crenshaw, Salter, Ashley, and Hill of T.

Mr. Hallett presented the petition of Timothy Merrick, praying the allowance of an account accompanying said petition; which was received and referred, together with said account, to the committee of accounts.

Mr. Hill, of Bibb, from the select committee, to whom was referred the petition of Cynthia Johnston, reported, a bill to be entitled an act for the relief of Cynthia Johnston; which was read a first time, and ordered to be read a second time to-morrow.

A message from the Senate, by Mr. Lyon, their secretary :

Mr. Speaker :—The Senate have adopted the following resolution, in which they desire your concurrence :

Resolved, That a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, in order to obtain the opinion of the General Assembly, whether it will be necessary for the General Assembly under the provisions of the constitution to elect solicitors who were appointed to fill vacancies at the last session; and whether the solicitors elected to fill vacancies shall hold their offices for the term of four years from the date of their elections respectively.—

In which resolution the House concurred. They have appointed on their part, Messrs. Sullivan, Hopkins and Bibb.

They have also read a third time and passed, a bill entitled “An act refunding Benjamin Sherrod taxes improperly paid;” which originated in this House, and then he withdrew: *Ordered*, That Messrs. Gayle, Crenshaw, Moore of J. Mardis and Oliver be appointed a committee on the part of this House in pursuance of the above resolution from the Senate.

Mr. Mead, from the committee on Roads, Bridges and Ferries, to whom was referred a resolution directing them to inquire into the expediency of so amending the law as to exonerate all persons from working on roads by paying a fair compensation in money: *Reported*. That they deem it inexpedient to pass any law on the subject.

Ordered, That the House concur in said report.

Mr. Fluker obtained leave to introduce a bill to be entitled “An act to appoint commissioners for the counties of Perry and Marengo, to sell and convey town lots at the towns of Marion and Linden, the seats of justice thereof, and to erect public buildings in the same;” which was read a first time, and ordered to be read a second time on Tuesday next.

On motion of Mr. Powell, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of altering the county court system, with leave to report by bill, or otherwise.

Mr. Harvey obtained leave to introduce a bill, to be entitled “An act to establish the seat of justice, in the county of Pike, and for other purposes;” which was read a first time, and ordered to be read a 2d time on Monday next.

Mr. Barclay introduced a joint resolution proposing amendments to the constitution; which was read a first time, and ordered to be read a second time on Monday next.

Mr. Phillips, from the select committee, to whom was referred a bill, to be entitled “An act to provide for the emancipation of slaves;” reported the same without amendment.

Mr. Gayle, from the committee of ways and means, to whom was referred a resolution instructing them to inquire what alterations are necessary to be made respecting the compensation now allowed for collecting the county tax; *Reported*. That the committee ask to

be discharged from the further consideration of said resolution, as there is a bill before the House, embracing that subject.

Ordered, That the said committee be discharged from the further consideration of said resolution.

Mr. Gayle, from the select committee, to whom was referred the remonstrance of Thomas Caldwell, praying that Jeremiah Vestall, a justice of Blount county may be impeached: *Reported*, That the special committee to whom was referred the remonstrance of Thomas Caldwell, charging Jeremiah Vestall, a justice of the peace, for the county of Blount, with official corruption and requesting the impeachment of the said justice, have had the same under consideration, and have instructed me to report, that, from the evidence which has been produced before your committee, it appears that the said justice, issued a warrant against the said Caldwell on a charge of Larceny, who escaped from the custody of the officer, who had him in charge; that the said justice afterwards issued an execution against the said Caldwell for an amount about sixty dollars; that the said justice accompanied the constable, in whose hands the execution was placed, and under colour of the same, collected cattle whose value was considerably greater than the amount of the said execution; that the said justice caused a horse of the said Caldwell also to be levied on, of the value of thirty dollars; that the said cattle remained for some time in the possession of the said justice, and were used for his own private benefit; that the said justice was apprized, that he was acting in violation of the laws, which he had sworn impartially to administer, and expressed his determination regardless of law to pursue his own course.

Your committee further state, that the good order of society, and the protection of all the rights of our citizens, depend entirely on the due and correct administration of justice, and the impartial execution of our laws; that if the streams of justice are not kept pure, and are not permitted to flow, untingered by the correction of those who are entrusted with the administration of our laws, your statute book will be an engine of oppression; and our citizens will be unsafe, and insecure in their persons and their property.

Your committee are therefore of opinion, that the said justice ought to be impeached, in the manner prescribed by the constitution.

JOHN GAYLE, *Chairman*.

Ordered, That the House concur in said report.

On motion of Mr. Moore, of Jackson, *Resolved*, That the committee on roads, bridges, ferries, &c. be instructed to inquire into the expediency of appropriating the sum of _____ to clean out that part of the stage road leading from Huntsville to Winchester, that lies between the line of Madison county and the Tennessee state line.

On motion of Mr. M'Vay, *Resolved*, That the military committee be instructed to inquire into the propriety of amending the patrol law, with leave to report by bill or otherwise.

Ordered, That Messrs. Young and Martin be added to the military committee.

A bill, to be entitled "An act to provide for the emancipation of slaves." was reported by Mr. Phillips of the select committee without amendment. *Ordered*, That said bill be engrossed for a third reading on Tuesday next.

The House then took into consideration a bill, to be entitled "An act to legalize the registering and recording of certain deeds or con-

veyances of land in this state, and for other purposes. *Ordered*, That said bill be referred to a select committee, consisting of Messrs. Jackson, Vining and Mardis.

Mr. Hill, of Bibb, presented the petition of Abijah Yager, and others of Bibb county, praying to be reimbursed taxes improperly paid; which was received and referred to the committee of accounts.

A bill, to be entitled "An act supplemental to the laws respecting garnishment," was read a second time, and ordered to be engrossed for a third reading on Tuesday next.

A bill, to be entitled "An act concerning estrays," was read a 2d time, and referred to a select committee, consisting of Messrs. Phillips, Jones, Moore of Marion, Barclay and Hill of Tuskaloosa.

A bill, to be entitled "An act to increase the compensation of jurors in the county of Autauga;" was read a second time and referred to a select committee, consisting of Messrs. Phillips, Ashley and Pickett.

Ordered, That a bill, to be entitled "An act to amend the laws now in force concerning writs of certiorari," be engrossed for a third reading on Monday next.

A bill, to be entitled "An act regulating appeals in criminal cases, was read a second time, and referred to a select committee, consisting of Messrs. Gayle, Jackson, Oliver, Miller and Mardis.

Engrossed bills of the following titles,

An act to provide for contesting the elections of justices of the peace and constables; and an act to alter the name of, and legitimate a certain person therein named; and an act explanatory of the several acts now in force in this state to suppress duelling; were severally read a third time and passed.

Ordered. That their titles be as aforesaid.

Ordered. That the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles, to wit:

An act declaring Cotaco in Morgan county, a public highway.

An act restricting the recovery of claims against the counties respectively, in certain cases;

An act to amend an act entitled an act to establish a public road from the house of John Gandie in Morgan county, to Baltimore or Morgan's Springs in Blount county, passed December 23, 1822; were severally read a third time and passed. *Ordered*, That the clerk acquaint the Senate therewith.

A resolution from the Senate, extending the time of payment of lots in the town of Cahawba; was read a second time and amended.

Ordered, That the rule which requires that bills and joint resolutions be read on three several days, be suspended.

The said bill was then read a third time and passed. *Ordered*, That the clerk acquaint the Senate therewith.

A bill from the Senate, entitled an act to alter the time of holding the general elections in this state; was read a second time.

Mr. Gayle moved to amend said bill by striking therefrom the word "third" where it occurs in these words "that from and after the passage of this act, the general elections in this state shall be held on the *third* Monday in June," for the purpose of inserting the word "first," which was carried.

Mr. Perkins moved to strike out the word "June" in said bill for

the purpose of inserting "August" so as to make the elections to be holden on the first Monday in that month, which was lost—yeas 22, nays 33.

The yeas and nays being called, those who voted in the affirmative, are,

Mr. Barclay	Hill, of Bibb	Moore, of Mar.	Perkins	Smith
Dennis	King	Manly	Sims	Tindall
Fields	Moore, of J.	Powell	Shotwell	Vining
Harvey	Moore, of Mad.	Peyton	Skinner	Whitaker—22.
Hill, of T.	M'Vay			

Those who voted in the negative, are,

Mr. Speaker	Fitts	Jackson	Mead	Philpott
Ashley	Fluker	Jones	M'Loughlin	Pickett
Beck	Fleming	Lanier	Martin	Salter
Brown	Gayle	M'Conaico	Miller	Sargent
Crenshaw	Goodhue	Merriwether	Oliver	Wellinger
Creagh	Hallett	M'Lenore	Phillips	Young—33.
Dale	Harrison	Mardis		

Mr. Fields moved to amend said bill by striking out the word "June" and inserting the word "October," which was lost.

Mr. Moore, of Jackson, moved the following amendment.

"And be it further enacted, that nothing contained in this act shall have the effect to alter the time of holding elections in the counties of Jackson, Decatur, Madison and Tuskaloosa."

Mr. Fleming moved to amend said amendment by striking out the word "Madison," which was carried.

And then the House adjourned till Monday morning 10 o'clock.

Monday, December 1, 1823.

Josiah D. Lister, a member from Washington county appeared, was qualified and took his seat.

Mr. Oliver, from the judiciary committee, to whom was referred the petition of the administrators of Thomas M'Henry, deceased, Reported a bill, to be entitled an act to authorize the administrators of Thomas M'Henry, deceased, to convey certain real estate therein named; which was read a first time, and ordered to be read a second time to morrow.

Mr. Vining, from the select committee, to whom was referred a bill, to be entitled "An act to legalize registering and recording certain deeds or conveyances of land in this state, and for other purposes," Reported said bill with amendments. *Ordered*, That the House concur in said amendments.

Ordered, That said bill be engrossed for a third reading to morrow.

On motion of Mr. Jackson, *Resolved*, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, that a joint committee be appointed, to consist of two members, on the part of the Senate, and three members on the part of the House of Representatives, to examine into the state of the treasury, and to report the condition of the same, with authority to send for persons and papers: and that the same committee be authorized to examine the books and accounts of the comptroller of public accounts, and to report the state and condition of the same, with like authority to send for persons and papers: Whereupon, Messrs. Jackson, Hallett and Lister were appointed a committee on the part of this House. *Ordered*, That the clerk acquaint the Senate therewith.

On motion of Mr. Jackson, *Resolved*, That the Treasurer of the state be requested to make out and furnish to this House a report, shewing the total amount of money, which has been paid into the

Treasury on account of sales by the sale of lots in the town of Cahawba; and the amount of money directed by law to be paid out of the proceeds of said sales on account of the building of the State House, or for any other purpose: also, the total amount of money paid into the Treasury on account of the rents of the University lands, and the amount of money paid out of the fund last mentioned to compensate the trustees of the University; or for any other purpose in relation to said fund: the amount of money paid out of the treasury in pursuance of law, which is to be refunded to the treasury out of the three per cent. fund, when received by the state, and the whole amount of treasury notes now in circulation.

Mr. Dennis obtained leave to introduce a bill, to be entitled "An act to change the time of holding the county court in Bibb county:" which was read a first time, and ordered to be read a second time to-morrow.

Mr. Harvey introduced a memorial to the Congress of the United States, praying a donation of lands for the seats of justice for the counties of Bibb and Pike:" which was read a first time, and ordered to be read a second time to-morrow.

Mr. Miller obtained leave to introduce a bill, to be entitled "An act supplementary to an act allowing an additional number of jurors to the Madison circuit court:" which was read a first time, and ordered to be read a second time to-morrow.

Mr. Miller also obtained leave to introduce a bill, to be entitled "An act to repeal the charter of the Planters' and Merchants' Bank at Huntsville;" which was read a first time, and ordered to be read a second time on Thursday next.

An engrossed bill, from the Senate, entitled, "An act to alter the time of holding the general elections in this state," was then resumed—the amendment offered by Mr. Moore of Jackson being under consideration. And the question being taken on the adoption thereof, it was decided in the negative.

Ordered, That said bill be read a third time to-morrow.

A bill, to be entitled "An act for the relief of Cynthia Johnston;" was read a second time, and ordered to be engrossed for a third reading to-morrow.

A bill, to be entitled "An act amendatory of the law now in force relative to the sale of real estate," was read a second time, and the question being put, Shall this bill be engrossed, and be read a third time to-morrow? it was decided in the negative.

A bill, to be entitled "An act to establish the seat of justice in the county of Pike, and for other purposes," was read a second time, and ordered to be engrossed for a third reading to-morrow.

Joint resolutions proposing amendments to the Constitution, were read a second time. *Ordered*, That said resolutions be referred to the select committee, to whom was heretofore referred a resolution of this House, directing them to inquire into the expediency of so altering the Constitution of the State of Alabama, that the judges of the circuit and county courts be elected for the term of _____ years. *Ordered*, That Messrs. Moore of Jackson, Barclay and Shotwell, be added to the said committee.

On motion of Mr. Jones, *Resolved*, That the Senate be requested to convene in the Representative Hall, on to-morrow at 11 o'clock,

for the purpose of electing a state printer. *Ordered*, That the clerk acquaint the Senate therewith.

An engrossed bill, entitled "An act to amend the laws concerning writs of certiorari," was read a third time and passed. On motion of Mr. Gayle, *Ordered*, That the words, "to amend the law," be stricken out of the title of said bill. *Ordered*, That the clerk convey the same to the Senate.

An engrossed bill, entitled "An act concerning constables," was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the clerk acquaint the Senate therewith.

On motion of Mr. Pickett, the house took into consideration a bill to be entitled "An act to establish certain election precincts therein named, and for other purposes;" which was amended, and referred to a select committee, consisting of Messrs. Pickett, Moore of Marion, Powell, Dennis, Hill of Bibb, Ashley and Barclay.

On motion of Mr. Oliver, the House took into consideration a bill, to be entitled "An act to establish regular justices' courts in this state;" which was read a second time, and referred to a select committee, consisting of Messrs. Oliver, Jackson, Creagh, Phillips and Lister.

Mr. Phillips, from the select committee, to whom was referred a bill, to be entitled "An act to increase the compensation of jurors in the county of Autauga, reported said bill with amendments; in which amendments the House concurred.

Ordered, That said bill be engrossed for a third reading to-morrow.

On motion of Mr. Martin, the House took into consideration a bill, to be entitled "An act to alter and amend an act entitled an act to provide for assessing and collecting the taxes of this state," passed December 17, 1821. *Ordered*, That said bill be referred to a select committee: Whereupon, Messrs. Jackson, Weissinger and Martin, were appointed said committee.

The House then took into consideration a bill, to be entitled "An act to vest in the judge of the county court and commissioners of roads and revenue of the county of Henry, a certain portion of land for county purposes." *Ordered*, That said bill be engrossed for a third reading on Wednesday next.

And then the House adjourned till to-morrow morning, nine o'clock.

Tuesday, December 2.

Mr. Sims presented the petition of the officers of the 6th brigade of Alabama militia, praying an alteration of the militia law; which was referred to the military committee.

Mr. Sargent presented the petition of sundry inhabitants of Franklin county, praying authority to turnpike a part of the military road; which was read and referred to the committee on roads, bridges, ferries, &c.

Mr. Sims presented the petition of sundry inhabitants of the town of Greensborough, Greene county, praying an act of incorporation of said town; which was received, and referred to a select committee, consisting of Messrs. Sims, Merriwether and Harrison.

Mr. Phillips, from the committee on divorce and alimony, to whom were referred sundry records of proceedings in chancery for divor-

ces, reported a bill, to be entitled "An act divorcing certain persons therein named; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Fleming, from the select committee, to whom was referred the petition of sundry persons, praying a repeal of the law of the last session of the General Assembly, in relation to 16th sections: Reported, That it is inexpedient to legislate on that subject at this time; in which report the House concurred.

Mr. Phillips, from the select committee to whom was referred a bill, to be entitled "An act concerning estrays," reported said bill, with the following amendment, at the end of the first section: "And provided also, that the said stray or strays do not die or escape."

Mr. Jackson moved to amend said amendment by striking out the words "or escape;" which was lost.

Mr. Moore, of Jackson, moved to amend said amendment, by adding at the end thereof the following: "without the connivance or neglect of the taker up;" which was adopted.

Ordered, That said bill be engrossed for a third reading tomorrow.

Mr. Hallett, from the select committee, to whom was referred the petition of the harbor master of Mobile, reported a bill to be entitled "An act to amend an act entitled an act for the government of the port and harbor of Mobile," passed the 23d day of December, 1823; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Jones, from the military committee, to whom was referred a resolution directing them to inquire into the expediency of amending the patrol law, Reported, That they deem it inexpedient to make any alteration in that law; in which report the House concurred.

Mr. Jones, from the same committee, to whom was referred a resolution directing them to inquire into the expediency of making it the duty of the adjutant general, to drill the militia of this state; or to dispense with that officer, and make all returns returnable to the secretary of state, whose duty it should be to consolidate the same, as is now required of the adjutant general, Reported, That they deem it inexpedient to alter the law upon that subject; in which report the House concurred.

Mr. Fleming obtained leave to introduce a bill, to be entitled "An act concerning the sixteenth sections of school lands in this state;" which was read the first time, and ordered to be read a second time to-morrow.

Mr. Miller, from the select committee, to whom was referred the petition of sundry citizens of Madison county, praying the passage of a law to exempt from attachment one horse of the value of fifty dollars, in addition to the articles already exempted, Reported, That it is inexpedient to pass any law upon the subject; in which report the House concurred.

Mr. Miller, from the select committee, to whom was referred the petition of James T. Stewart, a free, coloured man; Reported, That the prayer of the petitioner is unreasonable, and ought not to be granted.

Ordered, That the House concur in said report.

Mr. Mardis, obtained leave to introduce a bill to be entitled "An

act to establish the permanent seat of justice, in the county of Shelby ;" which was read a first time, and ordered to be read a second time to-morrow.

A message from the Senate by Mr. Lyon, their secretary :

Mr. Speaker :—The Senate concur in the amendment made by your honorable body, to the bill, entitled " An act restricting the recovery of claims against the counties respectively, in certain cases :—They also concur in the amendment made by your honorable body to the resolution extending the time of payment of lots in the town of Cahawba ; and have amended the same by adding after the figures " 1825," the words, " by the payment of interest at the expiration of the time herein granted." In which amendment they desire your concurrence. And then he withdrew.

Ordered, That the House concur in said amendment.

Ordered, That the clerk acquaint the Senate therewith.

On motion of Mr. Martin, *Resolved*, That the committee on enrolled bills, heretofore appointed by this House, be a joint committee, to act with the committee appointed on the part of the Senate on that subject.

On motion of Mr. Jackson, *Resolved*, That a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to examine into the state of the treasury, and to report the condition of the same ; with authority to send for persons and papers : and that the same committee be authorized to examine the books and accounts of the comptroller of public accounts, and to report the state and condition of the same ; with like authority to send for persons and papers. Whereupon, Messrs. Jackson, Hallett and Lister, were appointed said committee on the part of this House.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Vining obtained leave to introduce a bill, to be entitled " An act concerning executions, and for other purposes ;" which was read a first time, and ordered to be read a second time to-morrow.

On motion of Mr. Lanier, the House took into consideration a bill to be entitled " An act for the relief of the people of the state of Alabama," which being still on its second reading. *Ordered*, That said bill be referred to a select committee ; whereupon, Messrs. Gayle, Lanier, Smith, Oliver, Crenshaw, Powell, Moore of J. Young and Moore of Mad. were appointed said committee.

Mr. Mead obtained leave to introduce a bill to be entitled " An act, giving current jurisdiction to the county of Blount ;" which was read a first time, and ordered to be read a second time to-morrow.

Bills and a memorial, of the following titles, to wit :

" An act to appoint commissioners for the counties of Perry and Marengo, to sell and convey town lots, at the towns of Marion and Linden, the seats of justice thereof, and to erect public buildings in the same ;"

" An act respecting jurors ;"

" Memorial to the Congress, praying a donation of land for the seat of justice for the counties of Bibb and Pike ;"

" An act to change the time of holding the county courts of Bibb county ;" and

" An act to authorize the administrators of Thomas M'Henry.

decid to convey certain real estate therein named ;" were severally read a second time, and ordered to be engrossed for a third reading to morrow.

Engrossed bills of the following titles, to wit :

" An act to legalize registering and recording certain deeds or conveyances of lauds in this state, and for other purposes ;"

" An act supplementary to the laws respecting garnishment ;"

" An act for the relief of Cynthia Johnston ;"

" An act to provide for the emancipation of slaves ;" were severally read a third time and passed.

Ordered, That the titles be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

An engrossed bill, entitled " An act to increase the compensation of jurors in the counties therein named," was read a third time.

Mr. Perkins moved to amend said bill by way of the following rider :

That all talesmen jurors in this state, who shall serve more than one day on the same issue, shall be entitled to prove his service, and receive the same per diem pay, that is now by law allowed to those of the original venire facias ;" which amendment was adopted.

Mr. Perkins moved to amend the title of said bill, by adding thereto the words, " and for other purposes : " which was adopted. The bill was then passed.

Ordered, That the title be as amended.

Ordered, That the clerk acquaint the Senate therewith.

Bill from the Senate, entitled " An act to alter the times of holding the general elections in this state," was read a third time.

Mr. Barclay moved to lay said bill on the table ; which was lost.

And the question being put, Shall this bill pass ? it was decided in the negative—Yeas 27, Nays 29.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Dale	Hallett	M'Connico	Phillips
Ashley	Fitts	Jackson	Merriwether	Philpott
Beck	Fluker	Jones	M'Leimore	Pickett
Brown	Fleming	Lanier	Mardis	Weissinger
Creagh	Gayle	Lister	Oliver	Young—27.
Crenshaw	Goodhue			

Those who voted in the negative, are,

Mr. Barclay	Harrison	Moore of Mar.	Peyton	Skinner
Dennis	King	McLaughlin	Perkins	Smith
Fields	Moore of J.	Manly	Salter	Tindall
Hacey	M'Vay	Martin	Sims	Vining
Hill of F.	Moore of Mad.	Miller	Shotwell	Whitaker—29.
Hill of B.	Mead	Powell	Sargent	

Mr. Pickett offered the following resolution :

Resolved, That a message be sent to the Senate, proposing, that the two Houses assemble in the Representative Hall to-morrow, at 6 o'clock, P. M. for the purpose of electing a judge of the circuit court, in the third judicial circuit ; which was lost.

Reasons of Messrs. Fleming, Gayle and Merriwether, for their vote on the bill, entitled " An act for altering the time of holding the general election in this state : "

" We voted for the bill, because we believed that it would have a good effect in putting down electioneering ; and that the people would have ample time to receive the journals.

We were also of opinion, that the unhealthiness of the southern part of the state required such a change.

WILLIAM FLEMING,
J. GAYLE, Jun.
Z. MERRIWETHER,
JAMES JACKSON."

And then the House adjourned till to-morrow, 9 o'clock.

Wednesday, December 3.

On motion of Mr. Barclay,

Ordered, That the joint committee to whom was referred resolutions proposing amendments to the Constitution be discharged from the further consideration thereof.

Ordered. That said resolutions be referred to the select committee, to whom was referred a resolution of this House, directing them to inquire into the expediency of so altering the Constitution as to have biennial instead of annual sessions of the legislature.

Mr. Gayle presented the account of Abel Farrar, late clerk of the circuit court of Monroe county.

Mr. Fitts presented the accounts of James M'Goffin, John Spinks, and others.

Mr. Mardis presented the account of Ezekiel Henry, sheriff of Shelby county.

Mr. Hallett presented the account of Josiah D. Lister, late sheriff of Washington county.

Mr. Oliver presented the account of John Bell and Thomas Armstrong, commissioners to lay out a road from Cahawba to Pensacola; which accounts were received, and severally referred to the committee on accounts.

Mr. Perkins presented the petition of sundry inhabitants of Pickens, praying that the seat of justice of said county may not be removed from its present location; which was received, and referred to the committee on county boundaries.

Message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have read a third time, and passed a bill, originating in your honorable body, entitled

"An act respecting bail in civil cases;" and have amended the same, by striking out in the first section the words, "and that he, she or they, (as the case may be,) apprehends the loss of the said sum, or some part thereof, unless the defendant or defendants be held to bail:" in which amendment they ask the concurrence of your honorable body.

They have also passed a bill, originating in their body, entitled,

"An act to establish regular justices' courts in this state:" in which they also desire your concurrence.

And then he withdrew.

On motion of Mr. Fleming, *Resolved*, That a committee be appointed to inquire into the annual expenditures of this state, and the annual revenue of this state, with a view to ascertain whether our present taxes can be reduced, consistent with the interest of this state, and the good people thereof, with leave to report by bill or otherwise: Whereupon, Messrs. Fleming, Crenshaw, Harvey, Beck, and Brown, were appointed said committee.

Ordered, That the House concur in the amendment made by the Senate to the bill, entitled,

"An act respecting bail in civil cases."

Mr. Hill of B. presented the account of Ansel Sawyer, judge advocate; which was received and referred to the committee on accounts.

Mr. Oliver, from the judiciary committee, to whom was referred a bill, to be entitled "An act to alter and amend an act, entitled an act to provide for assessing and collecting the taxes of this state, passed December 17, 1821," reported the same without amendment.

Mr. Jackson, from the select committee, to whom was referred a bill, to be entitled "An act concerning county court judges," reported the same without amendment.

Mr. Gayle, from the select committee, to whom was referred a bill, to be entitled "An act for the relief of the people of the state of Alabama," reported the same with amendments; in which amendments the House concurred.

Mr. Philpott obtained leave to introduce a bill, to be entitled "An act the better to provide for the families of insolvent debtors; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Pickett, from the select committee to whom was referred a bill, to be entitled "An act to establish certain election precincts therein named, and for other purposes, reported said bill with amendments; in which amendments the House concurred.

Ordered, That said bill be engrossed for a third reading to-morrow.

A bill, to be entitled "An act concerning county court judges," was read a second time, and ordered to be engrossed for a third reading to-morrow.

A bill, to be entitled "An act to alter and amend an act, entitled an act to provide for assessing and collecting the taxes of this state, passed December 17, 1821," was then taken into consideration; said bill being on its second reading.

Mr. Young moved to lay the said bill on the table; which was carried—Yeas 30, Nays 25.

The yeas and nays being called for, those who voted in the affirmative are,

Mr. Speaker	Jackson	M'Vay	Phillips	Sims
Ashley	Jones	Moore of Mad.	Philpott	Sargent
Barclay	King	Moore of Mar.	Powell	Skinner
Fleming	Lanier	Manly	Peyton	Tindall
Hill of F.	Morriwether	Martin	Pickett	Whitaker
Hill of B.	Moore of J.	Miller	Perkins	Young—30.

Those who voted in the negative, are,

Mr. Beck	Dennis	Goodhue	M'Connico	Salter
Brown	Fields	Hallett	M'Lemore	Shotwell
Crenshaw	Fitts	Harvey	Mardis	Smith
Creagh	Fluker	Harrison	M'Laughlin	Vining
Dale	Gayle	Lister	Oliver	Weissinger—25.

Message from the Senate by Mr. Lyon, their secretary :

Mr. Speaker—The Senate concur in the resolution of your honorable body, appointing a committee on your part, to act with such committee as may be appointed on the part of the Senate, to examine into the state of the treasury, and report the condition of the same; and to examine the books and the accounts of the comptroller of public accounts, and report the state and condition of the same, with authority to send for persons and papers; and have appointed on their part, Messrs. Murphy and Moore.

A bill, to be entitled "An act for the relief of the people of the state of Alabama," was then taken into consideration.

On motion of Mr. Phillips, *Ordered*, That the House resolve itself into a committee of the whole House, on said bill.

A bill, to be entitled "An act divorcing certain persons therein named," was read a second time.

On motion of Mr. Weissinger, *Ordered*, That said bill be referred to a select committee: Whereupon, Messrs. Weissinger, Oliver, Jackson, Jones and Creagh, were appointed said committee.

Ordered, That Mr. Jones be added to the committee on roads, bridges, ferries, &c.

Mr. Hallett obtained leave to introduce "Resolutions allowing the solicitor of the first judicial circuit _____ dollars in addition to the present salary, for extra services by him performed;" which was read a first time, and ordered to be read a second time to-morrow.

A bill, to be entitled "An act to amend an act, entitled an act for the government of the port and harbor of Mobile, passed December 23, 1822," was read a second time, and ordered to be engrossed for a third reading to-morrow.

A bill, to be entitled "An act concerning the sixteenth sections of school lands in this state," was read a second time, and referred to the committee on schools, colleges and universities, and school and college lands.

Ordered, That Mr. Hill, of Bibb, be added to the committee on accounts.

Bills of the following titles, to wit:

"An act giving concurrent jurisdiction to the county of Blount;"

"An act to establish the permanent seat of justice in the county of Shelby;" were severally read a second time, and ordered to be engrossed for a third reading to-morrow.

A bill, to be entitled "An act concerning executions, and for other purposes," was read a second time, and referred to a select committee, consisting of Messrs. Martin, Jackson and Crenshaw.

Engrossed bills, entitled,

"An act to establish the seat of justice in the county of Pike, and for other purposes;"

"An act to vest in the judge of the county court, and commissioners of roads and revenue of the county of Henry, a certain portion of land for county purposes;"

"An act to alter and amend the existing laws concerning strays;"

"An act to change the time of holding the county courts in Bibb county;"

An act supplementary to an act allowing an additional number of jurors to the Madison circuit court;"

"Memorial to Congress, praying a donation of land for the seats of justice of the counties of Bibb and Pike;" and

"An act to appoint commissioners for the counties of Perry and Marengo, to sell and convey town lots at the towns of Marion and Linden, the seats of justice thereof, and to erect public buildings in the same;" were severally read a third time and passed.

Ordered, That the titles be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

An engrossed bill, entitled "An act to authorize the administra-

tors of Thomas M-Henry, deceased, to convey certain real estate therein named, and for other purposes, was read a third time.

And the question being put, Shall this bill pass? it was decided in the affirmative—Yeas 33, Nays 20.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Fields	Lister	Oliver	Salter
Beck	Cayle	McConnico	Phillips	Snos
Brown	Ballett	McLemore	Powell	Shotwell
Crenshaw	Harrison	Moore of J.	Peyton	Vining
Creagh	Jones	Moore of Mad.	Pickett	Whitaker
Dale	King	Mardis	Perkins	Young—33.
Deamie	Lanier	McLaughlin		

Those who voted in the negative, are,

Mr. Speaker	Fleming	Hill of B.	Martin	Skinner
Barclay	Goodline	Jackson	Miller	Smith
Fitts	Harvey	Merriwether	Philpott	Tindall
Flicker	Hill of T.	McVay	Sargent	Weissinger—20.

Mr. Oliver moved to amend the title of said bill, by striking out the words, "and for other purposes;" and by adding after the words, "Thomas M-Henry, deceased," the words, "and Isaac Edwards, deceased;" which amendment was adopted.

Ordered, That the title be as amended.

Ordered, That the clerk acquaint the Senate therewith.

A bill, from the Senate, entitled "An act to establish regular justices' courts in this state;" was read the first time, and ordered to be read a second time to-morrow.

Mr. Martin moved to reconsider the vote given yesterday on the passage of the bill, entitled "An act to alter the time of holding the general elections in this state;" which was lost—yeas 26, nays 27.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fitts	Jackson	Merriwether	Philpott
Ashley	Fleming	Jones	Mardis	Powell
Beck	Cayle	Lanier	Martin	Pickett
Brown	Goodline	Lister	Oliver	Weissinger
Creagh	Ballett	McConnico	Phillips	Young—26.
Dale				

Those who voted in the negative, are,

Mr. Barclay	Hill of Bibb	Moore, of Mad.	Perkins	Skinner
Crenshaw	Harrison	Moore, of Mar.	Saler	Smith
Fields	King	McLaughlin	Sims	Tindall
Flicker	McLemore	Miller	Shotwell	Vining
Harvey	Moore, of J.	Peyton	Sargent	Whitaker—27.
Hill, of T.	McVay			

And then the House adjourned till to-morrow morning at 10 o'clock.

Thursday, December 4.

Mr. Jones presented the accounts of sundry persons, which were received, and referred to the committee on accounts.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker:—The Senate have read a third time and passed bills, which originated in their body, of the following titles, to wit:

"An act to amend an act entitled an act to incorporate the Huntsville Fire Engine Company, passed December 10, 1822;"

"An act supplementary to an act entitled an act to authorize administrators to sell land belonging to the estate of their intestate, to which a complete title has not been obtained, passed December 27, 1822;" and

“An act for the relief of Martin Hogan;” in which they desire your concurrence.

They have also passed the bill, originating in your House, entitled **“An act to alter the name of, and legitimate a certain person therein named.”** And then he withdrew.

Mr. Perkins presented the report of the commissioners on Byler's Road and a memorial of said Byler; which were received and referred to the committee on roads, bridges, ferries, &c.

Mr. Fleming presented the petition of the administrators and widow of Walter Otey, deceased, praying authority to sell the real estate; which was received and referred to a select committee, consisting of Messrs. Fleming, Jones and King.

A bill, to be entitled **“An act to repeal the charter of the Planters and Merchants' Bank at Huntsville,”** was read a second time, and ordered to be engrossed for a third reading to-morrow.

A bill, to be entitled an act the better to provide for the families of insolvent debtors; was read a second time.

Mr. Jackson moved to amend said bill by striking therefrom, after the word **“horse;”** these words **“which shall not exceed in value the sum of forty dollars;”** which was carried.

Mr. Manly offered an additional section, to wit:

“Be it further enacted, that from and after the passage of this act, the tools of the mechanics within this state, which are necessary for the prosecution of their respective professions, be exempt from execution, so long as they may continue in the prosecution of the same;” which was adopted.

Mr. Hill, of Tuscaloosa, moved to fill the blank created by striking out the words on Mr. Jackson's motion with the words **“of the value of one hundred dollars;”** which was lost.

Mr. Pickett moved to fill said blank with the words, **“of the value of fifty dollars;”** which was lost.

Mr. Jackson moved to fill the blank with the words, **“of the value of one hundred and ten dollars;”** which was lost—yeas 18, nays 38.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Gayle	Jones	Merriwether	Martin
Dale	Hallett	Lister	M'Vay	Tindall
Fields	Hill, of T.	Laurier	Moore, of J.	Young—18.
Fitts	Jackson	M'Connico		

Those who voted in the negative, are,

Mr. Ashley	Fleming	Mardis	Philpott	Shotwell
Beck	Goodhue	Mead	Powell	Sargent
Brown	Hill, of Bibb	M'Laughlin	Peyton	Skinner
Barclay	Harrison	Manly	Pickett	Smith
Crenshaw	King	Miller	Perkins	Vining
Creagh	M'Lemore	Oliver	Salter	Whitaker
Dennis	Moore, of Mad.	Phillips	Sims	Weissinger—38.
Fluker	Moore, of Mar.			

Mr. Hill, of Bibb, moved, that the further consideration of said bill, be indefinitely postponed; which was lost—yeas 9, nays 46.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Harrison	Merriwether	Moore, of J.	Shotwell—9.
Hill, of Bibb	King	M'Lemore	Mead	

Those who voted in the negative, are,

Mr. Speaker	Brown	Crenshaw	Dennis	Fitts
Beck	Barclay	Dale	Fields	Fluker

Fleming	Lister	McLaughlin	Powell	Skinnar
Gayle	Lanier	Manly	Peyton	Smith
Goodhue	M'Connico	Martin	Pickett	Tindall
Hallett	M'Vay	Miller	Perkins	Vining
Harvey	Moore, of Mad.	Oliver	Salter	Whitaker
Hill, of T.	Moore, of Mar.	Phillips	Sims	Weissinger
Jackson	Mardis	Philpott	Sargent	Young—46.
Jones				

Ordered, That said bill be referred to a select committee ; Whereupon, Messrs. Philpott, Pickett, Barclay, Jackson and Oliver, were appointed said committee.

Resolution allowing the solicitor of the first judicial circuit dollars, in addition to his present salary, for extra services by him performed ; was read a second time, and referred to the judicial committee.

Engrossed bills of the following titles, to wit :

An act to establish the permanent seat of justice in the county of Shelby ;

An act to establish certain election precincts therein named, and for other purposes ;

An act to amend an act entitled an act for the government of the port and harbor of Mobile, passed 23d December, 1822 ; were severally read a third time, and passed.

Ordered, That the titles be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

Engrossed bills, of the following titles, to wit :

An act giving concurrent jurisdiction to the county of Blount ; and

An act concerning county court judges ; were severally read a third time, and laid on the table.

A bill from the Senate, entitled “ An act to establish regular justices’ courts in this state, was read a second time and referred to the select committee, to whom was referred a bill, originating in this House, of the same title.

Bills from the Senate, of the following titles, to wit :

“ An act to amend an act entitled an act to incorporate the Huntsville Fire Engine Company, passed December 10, 1822 ;”

An act supplementary to an act entitled an act to authorize administrators to sell land belonging to the estate of their intestate, to which a complete title has not been obtained, passed December 27th 1822 ; and an act for the relief of Martin Hogan ; were severally read a first time, and ordered to be read a second time to-morrow.

Mr. Martin obtained leave to introduce a bill, to be entitled “ An act authorizing the county court of Limestone county, to make certain allowances therein named.

Mr. Vining obtained leave to introduce a bill, to be entitled “ An act to reduce the expenses of the General Assembly of this state ; which were severally read a first time, and ordered to be read a 2d time to-morrow.

Ordered, That Mr. Jackson be added to the select committee, to whom was referred on yesterday a resolution directing them to inquire into the annual expenditures of this state ; with a view to ascertain whether our present taxes can be reduced.

Ordered, That Messrs. Perkins and Young be added to the committee on roads, bridges, ferries, &c.

And then the House adjourned till to-morrow morning 10 o'clock.

Friday, December 5.

A message from the Senate by Mr. Lyon, their secretary :

Mr. Speaker :—The Senate have passed bills of the following titles, to wit :

An act to repeal in part, and to amend the act to establish a bank in the town of Mobile, passed 20th November, 1813 ;

An act to regulate escheats in this state, and to appoint escheators.

An act authorizing Matthew Harbeson, administrator of Samuel Harbeson, deceased, to make conveyance of a certain tract of land therein named ;

“ An act to provide for taking the census ;”

“ An act amendatory to an act, entitled an act to provide for the printing of the laws and journals, and for other purposes, passed Dec. 25. 1822 ;”

“ An act establishing a certain county therein named ;”

“ An act to repeal so much of an act passed on the 15th day of Dec. 1821, as allows Samuel Dale for life, the half pay of a colonel in the army of the United States ;” and, a resolution requiring the chairman of the committee on enrolled bills, to preserve the engrossed copies of all acts, and joint resolutions, and file them with the secretary of state ; all of which originated in their House ; and in which they desire your concurrence. And then he withdrew.

The Speaker laid before the House a communication and report made by the treasurer in pursuance of a resolution of this House ; which communication is in the following words :

TREASURER'S OFFICE. }

December 5, 1823. }

SIR—In obedience to the resolution of the House of Representatives of the first instant, requesting the treasurer to make out and furnish to this House a report showing the total amount of money which has been paid into the treasury on account of sales by the state, of lots in the town of Cahawba, and the amount of money directed by law to be paid out of the proceeds of said sales, on account of the building of the state-house, or for any other purpose ; also, the total amount of money paid into the treasury, on account of the rents of the University lands ; and the amount of money paid out of the fund last mentioned to compensate the trustees of the University, or for any other purpose in relation to said fund ; the amount of money paid out of the treasury in pursuance of law, which is to be refunded to the treasury out of the three per cent. fund, when received by the state ; and the whole amount of treasury notes yet in circulation.

I have the honor to submit herewith a report containing all the information required by said resolution.

Respectfully,

JOHN C. PERRY, *Treasurer.*

The Hon. W. L. Adair, speaker of the House of Representatives.

Ordered, That said communication and report be referred to a select committee, consisting of Messrs. Jackson, Tindall, Philpott, Fitts and Phillips.

Mr. Brown presented the petition of sundry citizens of St. Clair, praying that a part of said county may be added to Jefferson ; which was received and referred to the committee on county boundaries.

Mr. Beck presented the petition of sundry inhabitants of Wilcox county, praying that one of the two roads leading from Cahawba to Canton may be discontinued.

Mr. Beck presented a counter petition of sundry people on the same subject.

Mr. Fitts presented the petition of Benjamin Hatch, praying that the state road may be so altered as not to run through his plantation; which petitions were received and severally referred to the committee of roads, bridges, ferries, &c.

Mr. Hill, of Bibb, presented the petition of Sally B. Stephens, praying authority to sell real estate; which was received and referred to a select committee, consisting of Messrs. Hill, of Bibb, Dennis and Mardis.

Mr. Jackson presented the memorial of the merchants of Florence, praying an alteration in the mode of taxing merchandize; which was received and referred to the committee of ways and means.

Mr. Hallett presented the memorial of merchants and others of Mobile, praying the passage of a law preventing sailors from deserting from merchant vessels; which was received and referred to the judiciary committee.

Mr. Mead, from the committee on roads, bridges, ferries, &c. to whom was referred a resolution directing them to inquire into the expediency of appropriating the sum of to clean out that part of the stage road leading from Huntsville to Winchester, Reported, that it is inexpedient: in which report the House concurred.

Mr. Mead, from the same committee, to whom was referred the petition of sundry citizens of Franklin, praying a part of the military road to be turnpiked, Reported, that the prayer of the petition is unreasonable, and ought not to be granted; in which report the House concurred.

Mr. Martin, from the select committee, to whom was referred a bill, to be entitled a resolution proposing certain amendments to the constitution, Reported said resolution with sundry amendments, in which the House concurred. *Ordered*, That said resolution be read a second time to morrow.

Mr. Martin, from the select committee, to whom was referred a bill, to be entitled "An act concerning executions, and for other purposes," Reported said bill, amended by striking out the enacting clause.

Mr. Martin moved that the House concur in said amendment; which was carried—yeas 31, nays 20.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fields	Harvey	Merriwether	Pickett
Ashley	Fitts	Hill, of T.	M'Lemore	Salter
Beck	Flaker	Hill, of Bibb	Moore, of Mar.	Sims
Brown	Fleming	Harrison	Martin	Shotwell
Creashaw	Gavle	Jackson	Martin	Tindall
Dale	Goodhue	Lester	Phillips	Weissinger—34.
Dennis	Hallett	M'Connico	Philpott	

Those who voted in the negative, are,

Mr. Barclay	M'Vay	M'Laughlin	Peyton	Smith
Jones	Moore, of Mad.	Manly	Perkins	Vining
King	Moore, of J.	Miller	Sargent	Whitaker
Lamer	Mead	Powell	Skinner	Young—29.

Mr. Hallett, from the select committee, to whom was referred the petition of sundry inhabitants of the county and city of Mobile, Reported a bill, to be entitled "An act allowing an additional salary to

the judge of the county court of Mobile county ;" which was read a first time, and ordered to be read the second time on to-morrow.

On motion of Mr. Mardis, *Resolved*. That the committee on roads, bridges, ferries, &c. be instructed to inquire into the expediency of so changing the present route of the state road, as to run from Daniel Neil's in Cahawba Valley north, and to cross the Cahawba River at or near Daniel Taylor's, and intersect the road leading from the town of Tuskaloosa to Huntsville, at some convenient point on said road ; and also to alter the present route of said road leading through the town of Montevallo (Wilson's Hill) north, so as to intersect the main street of said town, with leave to report by bill or otherwise.

Mr. Philpott, from the select committee, to whom was referred a bill, to be entitled "An act the better to provide for the families of insolvent debtors," Reported said bill with sundry amendments, in which amendments the House concurred. *Ordered*, That said bill be engrossed, and be read a third time to-morrow.

Mr. Mead obtained leave to introduce a bill, to be entitled "An act to extend the jurisdiction of Blount county."

Mr. King obtained leave to introduce a bill, to be entitled "An act to revive in part, and amend an act to regulate the proceedings in courts of law and equity in this state ;" which bills were severally read a first time, and ordered the first to be read a second time on to-morrow, and the second on Monday next.

On motion of Mr. Vining the House resolved itself into a committee of the whole House, on the bill to be entitled "An act for the relief of the people of the State of Alabama," and after some time spent in the consideration thereof, the committee rose, and Mr. Vining reported that said committee had had the same under consideration—had made some progress therein ; and asked leave to sit again, which leave was granted.

Mr. Philpott obtained leave to introduce a bill, to be entitled, "An act to amend an act, entitled an act to establish a public road from Ditto's Landing to Marston Mead's," which was read a first time, and ordered to be read a second time to-morrow.

The House then proceeded to the orders of the day.

A bill, to be entitled "An act authorizing the county court of Limestone county to make certain allowances therein named," was read a second time, and ordered to be engrossed for a third reading on Monday next.

A bill, to be entitled "An act to reduce the expenses of the General Assembly of this state," was read a second time, and referred to the committee of ways and means.

A bill from the Senate, entitled "An act supplementary to an act, entitled "An act to authorize administrators to sell land belonging to the estate of their intestate, to which a complete title has not been obtained, passed December 27, 1822," was read a second time, and ordered to be read a third time.

Bills & a resolution from the Senate, of the following titles, to wit:

"Resolution requiring the chairman of the committee on enrolled bills, to preserve the engrossed copies of all acts and joint resolutions, and file them with the secretary of state ;"

"An act to repeal so much of an act passed on the 15th day of December, 1821, as allows Samuel Dale for life, the half pay of a colonel in the army of the United States ;"

"An act establishing a certain county therein named;"

"An act amendatory to an act, entitled "An act to provide for the printing of the laws and journals, and for other purposes, passed December 25, 1822;"

"An act to provide for taking the census;"

"An act to repeal in part, and amend the act to establish a bank in the town of Middle, passed the 20th November, in the year 1818;"

"An act authorizing Matthew Harbeson, administrator of Samuel Harbeson, deceased, to make conveyance of a certain tract of land therein named;" and

"An act to regulate escheats in this state, and to appoint escheators;" and severally read a first time, & ordered to be read a second time. A bill from the Senate, entitled "An act for the relief of Martin Brown," was read a second time.

Mr. Jackson moved that the further consideration of said bill be indefinitely postponed: which was lost.

Yeas 22. Nays 31.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Shearer	Hill of T.	McConnico	Moore of War.	Perkins
Ashley	Hill of B.	McLemore	McLaughlin	Satter
Leck	Harrison	McVay	Manly	Smith
Fitts	Jackson	Mead	Miller	Tindall—22.
Goodhue	Jones			

Those who voted in the negative, are,

Mr. Brown	Gayle	Merriwether	Philpott	Margent
Barnby	Hallett	Moore of J.	Powell	Skinner
Creshaw	Harvey	Morris	Peyton	Vining
Dennis	King	Martin	Pickett	Whitaker
Fields	Lawler	Oliver	Simms	Weissenger
Fisher	Lister	Phillips	Shotwell	Young—31.
Fleming				

Ordered, That said bill be read a third time.

A bill from the Senate, entitled "An act to amend an act, entitled an act to incorporate the Huntsville Fire Engine Company, passed December 10, 1822," was read a second time.

Mr. Fleming moved to amend said bill by striking out the word "thirty six," and inserting in lieu thereof, the word "fifty;" which was adopted.

Mr. Perkins moved to amend said bill by the following proviso:

"*Provided*, That the commandant thereof shall make returns of the strength of his company, in the same manner that is prescribed by law for the captains of militia companies;" which was adopted.

Ordered, That said bill be read a third time.

Ordered, That Mr. McLemore have leave of absence till Wednesday.

Ordered, That Messrs. Harrison and Shotwell be added to the committee on county boundaries.

And then the House adjourned till to-morrow morning, 10 o'clock.

Saturday, December 6.

Mr. Manly, from the select committee, to whom was referred a resolution of this House, in relation to electors of President and Vice President of the United States, reported a bill, to be entitled "An act to provide for choosing electors of President and Vice President of the United States;" which was read a first time, and ordered to be read a second time on Monday next.

A message was received from the Senate, by Mr. Lyon, their secretary :

Mr. President—The Senate have passed bills of the following titles, to wit :

“ An act more effectually to secure the testimony of absent witnesses, by interrogatories ;”

“ An act prescribing the mode in which sheriffs who are delinquents in making return of the election for Governor shall be brought to justice ;”

“ An act to compel defendants to bills of injunction to give bond and security before they shall have the benefit of executions on their judgments at law ;” and

“ An act to provide for selecting a site for the seat of justice in DeCATUR county ;”

All of which originated in their House, and in which they desire your concurrence.

They have also passed bills, which originated in your honorable body, of the titles following, to wit ;

“ An act concerning writs of certiorari ;” and

“ An act to legalize registering and recording certain deeds or conveyances of land in this state, and for other purposes ;” and have amended the same ; in which amendments they desire the concurrence of your honorable body.

And then he withdrew.

Mr. Pickett, from the committee of privileges and elections, to whom was referred a resolution of this House, directing them to inquire into the mode of deciding contested elections for Governor, reported a bill, to be entitled “ An act to decide contested elections for Governor, and for other purposes ;” which was read a first time, and ordered to be read a second time on Monday next.

Mr. Hill of B. from the select committee, to whom was referred the petition of Sally B. Stevens, reported a bill, to be entitled “ An act to authorize Sally B. Stevens to sell real estate ;” which was read a first time, and ordered to be read a second time on Monday next.

Ordered, That the House concur in the amendments made by the Senate to the bill, entitled “ An act to legalize registering and recording certain deeds or conveyances of land in this state, and for other purposes.”

Ordered, That the clerk acquaint the Senate therewith.

On motion of *Mr. Jones*,

Resolved, That a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to draw up and report a memorial to the Congress of the United States, praying them to establish one of the district courts of this state, as is now established in this state, in the northern part of Alabama :

Whereupon, Messrs. Jones, Moore of J. and Martin, were appointed a committee on the part of this House.

Ordered, That the clerk convey said resolution to the Senate.

Mr. Pickett offered a preamble and joint resolutions recommending General Andrew Jackson as a suitable candidate for President of the United States ; which resolutions were read a first time.

Mr. Jackson moved, that the rule which requires all bills and joint resolutions to be read on three several days, be dispensed with, and that said preamble and resolutions be read a second time forthwith ; which was lost, and ordered to be read a second time.

The House then proceeded to the orders of the day.

A resolution proposing certain alterations to the Constitution, was read a second time.

Mr. Phillips moved to amend said resolution by striking out the word "four" in that part which proposes to elect senators for four years, for the purpose of inserting the word "two;" which was carried.

Ordered, That said resolution be referred to a select committee; Whereupon, Messrs. Phillips, Martin, Pickett and Barclay, were appointed said committee.

Engrossed bills of the following titles, to wit:

"An act to amend an act, entitled an act to establish a public road from Ditto's Landing to Marston Mead's;" and

"An act to extend the jurisdiction of Blount county;" were severally read a second time, and ordered to be engrossed for a third reading on Monday next.

An engrossed bill, entitled "An act to repeal the charter of the Planters' and Merchants' Bank at Huntsville," was read a third time, and ordered to lie on the table.

An engrossed bill, entitled "An act the better to provide for the families of insolvent debtors," was read a third time.

Mr. Harrison moved to amend said bill by way of the following rider:

Sec. 3. And be it further enacted, That it shall not be lawful for any man, the head of a family so provided for, to sell, or in any way dispose of property so given, without the consent of his wife, on separate examination before some justice of the peace; which was adopted.

And the question being put, Shall this bill pass? it was decided in the affirmative—Yeas 29. Nays 20.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Peck	Gayle	McVay	Phillips	Sargent
Crenshaw	Goodhue	Mardis	Phibbott	Skinner
Fields	Hallett	Mead	Powell	Smith
Fitts	Jackson	Manly	Pickett	Weissenger
Flaker	Jones	Miller	Peckins	Young—29.
Fleming	McComico	Oliver	Salter	

Those who voted in the negative, are,

Mr. Speaker	Dennis	King	Moore of Mar.	Sims
Ashley	Harvey	Luter	Moore of J.	Shotwell
Brown	Hill of B.	Merriwether	Martin	Vining
Barclay	Harrison	Moore of Mad.	Pepton	Whitaker—20.

Ordered, That the title be as aforesaid.

Ordered, That the clerk convey said bill to the Senate.

A bill from the Senate, entitled,

"An act supplementary to an act, entitled an act to authorize administrators to sell land belonging to the estate of their intestate, to which a complete title has not been obtained, passed December 27, 1822," was read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

Bills from the Senate, of the following titles, to wit:

"An act requiring the chairman of the committee on enrolled bills, to preserve the engrossed copies of all acts and joint resolutions, and file them with the secretary of state;"

"An act to repeal in part and amend the act, to establish a bank in the town of Mobile, passed 20th day of March, in the year 1813;" and

"An act authorizing Matthew Harbeson, administrator of Samuel Harbeson, deceased, to make conveyance of a certain tract of land therein named;" were severally read a second time, and ordered to be read a third time on Monday next.

A bill from the Senate, entitled "An act to repeal so much of an act, passed on the 15th day of December, 1821, as allows Samuel Dale for life, the half pay of a colonel in the army of the United States," was read a second time, and laid on the table.

Bills from the Senate, of the following titles, to wit:

"An act establishing a certain county therein named;"

"An act amendatory to an act, entitled an act to provide for the printing of the laws and journals, and for other purposes, passed December 25, 1822;"

"An act to provide for taking the census;" and

"An act to regulate escheats in this state, and to appoint escheators;" were severally read a second time, and referred, the first to the committee on county boundaries; the second to a select committee, consisting of Messrs. Hallett, Perkins and Jackson; the third to the committee of ways and means; and the fourth to the judiciary committee.

A bill from the Senate, entitled "An act for the relief of Martin Hogan," was read a third time and passed—Yeas 29. Nays 24.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Brown	Gayle	Moore of J.	Philpott	Skinner
Barclay	Hallott	Moore of Mar.	Powell	Vining
Crenshaw	King	Mead	Peyton	Whitaker
Dennis	Lister	Martin	Pickett	Weissinger
Fluker	Lanier	Oliver	Sims	Young—29.
Fleming	Moore of Mad.	Phillips	Sargent	

Those who voted in the negative, are:

Mr. Speaker	Goodhue	Jackson	Mardis	Salter
Ashley	Harvey	Jones	M'Laughlin	Shotwell
Beck	Hill of T.	M'Connico	Manly	Smith
Fields	Hill of B.	Merriwether	Miller	Tindall—24.
Fitts	Harrison	M'Vay	Perkins	

Ordered, That the clerk acquaint the Senate therewith.

A bill from the Senate, entitled "An act to amend an act, entitled an act to incorporate the Huntsville Fire Engine Company, passed December 10, 1822," was read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles, to wit:

"An act prescribing the mode in which sheriffs who are delinquents in making returns of the Governor's election, shall be brought to justice;"

"An act to compel defendants to bills of injunction, to give bond and security before they shall have the benefit of executions on their judgments at law;"

"An act to provide for selecting a site for the seat of justice in Decatur county;" and

"An act more effectually to ensure the testimony of absent witnesses, by interrogatories;" were severally read a first time, and ordered to be read a second time on Monday next.

And then the House adjourned till Monday morning, 10 o'clock.

Monday, December 8.

Ordered, That Mr. Pickett have leave of absence till to-morrow morning, 10 o'clock.

Mr. Samuel Haines, a member from Baldwin, appeared, was qualified, and took his seat.

Mr. Fleming presented the petition of sundry persons, praying that Rhoda Horton and associates may be allowed to turnpike a part of the road leading from Ditto's Landing to Huntsville.

Mr. Flaker presented the petition of sundry inhabitants of Marengo, praying that new commissioners may be appointed to lay out a part of the state road different from the route in which the former commissioners laid it out.

Mr. Gayle presented the petition of the intendant and council of the town of Claiborne, and other citizens of said town, praying that a part of the county tax may be appropriated in every county to the maintenance of the poor in each county.

Mr. Martin presented the petition of James Inglis, an alien, praying to be naturalized :

All of which petitions were severally read and referred, the two former to the committee on roads, bridges, ferries, &c. and the two latter to the committee on propositions and grievances.

A message from the Senate, by Mr. Lyon, their secretary.

Mr. Speaker—The Senate concur in the resolution of your House, appointing a joint committee to draw up a report and memorial, praying the Congress of the United States to establish one of the district courts of this state in the northern part of this state, and have appointed on their part, Messrs. Hopkins, Moore and Murphy.

They concur in the amendments made by your House, to the bill entitled "An act declaring Cotaco, in Morgan county, a public highway ;" and also to the bill, entitled

"An act to incorporate the Huntsville Fire Engine Company, passed December 10, 1822."

They have passed a bill, originating in their House, entitled "An act to amend the several acts for the settlement and relief of the poor:" in which they desire your concurrence.

They have also passed bills originating in your House, of the following titles, to wit :

An act for the relief of Cynthia Johnson ;

An act to appoint commissioners for the counties of Perry and Marengo, to sell and convey lots at the towns of Marion and Linden, the seats of justice thereof, and to erect public buildings in the same.

An act to establish the seat of justice in the county of Pike, and for other purposes ;

An act to establish the seat of justice in the county of Shelby ;

An act to provide for contesting the elections of justices of the peace and constables : which they have amended.

An act to change the time of holding the county courts of Bibb county ; which they have amended : In all of which amendments, they desire your concurrence.

Ordered, That the House concur in the amendments made by the Senate to the two last mentioned bills.

Mr. Whitaker obtained leave to introduce a bill, to be entitled, **An act concerning executions and for other purposes ;** which was read the first time, and ordered to be read the second time on tomorrow.

Mr. Mardis presented the accounts of sundry people ; which were received, and referred to the committee on accounts.

Mr. Fitts, from the committee on enrolled bills, Reported, That

said committee had examined and found correctly enrolled bills of the following titles, to wit :

- An act respecting bail in civil cases ;
- An act refunding Benjamin Sherrod taxes improperly paid ;
- An act concerning writs of certiorari ;
- An act to alter the name of, and legitimate a certain person therein named ;
- An act to legalize registering and recording certain deeds, or conveyances of land in this state ; and for other purposes.

Mr. Mardis offered the following resolution :

Resolved, That with the concurrence of the Senate, the members of both branches will assemble in the Representative chamber, on Friday next at the hour of 6 o'clock, P. M. for the purpose of selecting a site for the State University.

On motion of Mr. Perkins, *Ordered*, That said resolution lie on the table.

Mr. Creagh, from the select committee, to whom was referred a bill, to be entitled, An act divorcing certain persons therein named : Reported, sundry new bills, to wit :

- An act to divorce Samuel Payne from his wife Elizabeth Payne ;
- An act to divorce certain persons therein named ;
- An act to divorce Dorcas Walker from her husband Noah Walker ;
- An act to divorce certain persons therein named ;
- An act to divorce Mary H. Judge from her husband William Judge ;
- An act to divorce certain persons therein named ; and
- An act to divorce Margaret Toney from her husband Charles Toney ; all of which were severally read a first time, and ordered to be read a second time on to-morrow.

Preamble and resolutions recommending Gen. Andrew Jackson as a suitable candidate for President of the United States ; were read a second time, and referred to a select committee, consisting of Messrs. Jackson, Pickett and Fleming.

A bill, to be entitled " An act to authorize Sally B. Stevens, administratrix of Henry W. Stevens, deceased, to sell real estate ;" was read a second time, and laid on the table.

A message from the Senate by Mr. Lyon, their secretary :

Mr. Speaker :—The Senate have read a third time and passed, bills, which originated in your honorable body, of the following titles to wit : " An act to alter and amend the existing laws concerning strays ;" " An act supplementary to the laws respecting garnishment ;" and, " An act to amend an act entitled an act for the government of the port and harbor of Mobile, passed 23d December 1822 ;" the two latter of which they have amended, and in which amendments, they desire the concurrence of your honorable body ; and then he withdrew.

Ordered, That the House concur in said amendments.

Ordered, That the Senate be informed thereof by the clerk.

A communication was received from the Governor by J. J. Pleasants, esq. secretary of state, which was read, as follows :

EXECUTIVE DEPARTMENT, December 8th, 1823.

Gentlemen of the Senate, and of the House of Representatives,

I have received the resignation of Andrew M. Lusk, judge of the coun-

ty court of Bibb county. A vacancy in the office of judge of the county court of Perry county, occasioned by the resignation of Charles J. Shackelford, has been filled in the recess of the legislature, by the appointment of George C. King, whose term will expire at the end of your present session. I have also received the resignation of John McKinley, as one of the trustees of the University of Alabama.

ISRAEL PICKENS.

Engrossed bills, of the following titles, to wit: "An act to amend an act, entitled an act to establish a public road from Ditto's landing to Marston Mead's;" "An act to authorize the county court of Limestone county, to make certain allowances therein named;" were severally read a third time and passed.

Ordered, That the titles be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

An engrossed bill, entitled "An act to extend the jurisdiction of Blount county;" was read a third time, and ordered to lie on the table.

A bill from the Senate, entitled "An act more effectually to ensure the testimony of absent witnesses by interrogatories;" was read a second time.

Mr. Gayle moved, that the further consideration of said bill be indefinitely postponed: which was carried.—Yeas 32.—Nays 20.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fields	Hill of T.	Moody	Skinner
Adley	Fitts	Harrison	Martin	Tindall
Beck	Fliker	Jones	Philpott	Vining
Bentley	Fleming	Lister	Powell	Whitaker—32.
Crenshaw	Gayle	McClunio	Perkins	
Crough	Goodhue	Merriwether	Sims	
Deonis	Hill of B.	Moore of Mar.	Sargent	

Those who voted in the negative, are,

Mr. Brown	King	Moore of J.	Oliver	Shotwell
Hallett	Lauer	Maddis	Phillips	Smith
Haines	McVay	McLaughlin	Peyton	Weissinger
Jackson	Moore of Mad.	Miller	Salter	Young---20.

Bills from the Senate, of the following titles, to wit:

An act to provide for selecting the site for the seat of justice in Decatur county; and,

An act to compel defendants to bills of injunction to give bond and security before they shall have the benefit of executions on their judgments at law; were severally read a second time, and ordered to be read a third time to-morrow.

A bill from the Senate, entitled "An act prescribing the mode in which sheriffs who are delinquents in making returns of the Governor's election, shall be brought to justice;" was read a second time, and ordered to lie on the table.

A bill, to be entitled "An act to decide contested elections for Governor, and for other purposes;" was read a second time, and referred to the judiciary committee.

A bill, to be entitled "An act allowing a salary to the judge of the county court of Mobile county;" was read a second time, and referred to the same committee.

A bill, to be entitled "An act to revive in part and amend an act to regulate the proceedings in the courts of law and equity in this state;" was read a second time, and referred to a select committee, consisting of Messrs. King, Vining and Whitaker.

A bill, from the Senate, entitled "An act to repeal in part, and amend the act to establish a bank in the town of Mobile, passed 20th day of November, 1818; was read a third time.

Mr. Miller moved that the further consideration of said bill be indefinitely postponed; which was lost—yeas 5. nays 45.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr Goodhue	M'Vay	Moore, of Mar.	Miller	Peyton—5.
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Those who voted in the negative, are,

Mr. Speaker	Fluker	Jones	M'Laughlin	Shotwell
Ashley	Fleming	King	Manly	Sargent
Beck	Gayle	Lister	Martin	Skinner
Brown	Hallett	Lanier	Phillips	Smith
Barclay	Haines	M'Connico	Philott	Tindall
Creagh	Hill, of T.	Merriwether	Powell	Vining
Dennis	Hill, of Bibb	Moore, of Mad.	Perkins	Whitaker
Fields	Harrison	Moore, of J.	Salter	Weissinger
Fitts	Jackson	Mardis	Sims	Young—45.

The bill was then passed.

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

Bills from the Senate, of the following titles, to wit:

An act to authorize Matthew Harbeson, administrator of Samuel Harbeson, deceased, to make conveyance of a certain tract of land therein named;

Resolution requiring the chairman of the committee on enrolled bills, to preserve the engrossed copies of all acts and joint resolutions, and file them with the secretary of state; were severally read a third time, and passed.

Ordered, That the titles be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Sims obtained leave to introduce a bill, to be entitled "An act to incorporate the town of Greensborough, in the county of Greene;" which was read a first time, and ordered to be read a second time to-morrow.

A bill, to be entitled "An act to provide for the choosing electors of President and Vice President of the United States," was read a second time, and referred to a select committee, consisting of Messrs. Moore, of Jackson, Oliver, Haines, Jackson and Young.

And then the House adjourned till to-morrow morning at ten o'clock.

Thursday, December 9.

The Speaker laid before the House a record of the proceedings of the circuit court of Autauga county, exercising chancery jurisdiction in the case of Jane Kelly, against her husband, James Kelly, for a divorce.

The Speaker also laid before the House a record of the proceedings of Madison circuit court, exercising chancery jurisdiction in the case of Samuel Dickson, against his wife, Deborah Dickson, for a divorce; which were severally received, and referred to the committee of divorce and alimony.

Mr. Phillips presented the petition of Henry Meffert, of the town of Cahawba, praying that he may be permitted to apply certain money paid for the purchase of one lot, to another.

Mr. Haines presented the petition of Benjamin S. Brumley, pray-

ing that he may be restored to his civil right and capacities, of which he had been deprived by a judgment of Baldwin circuit court, for manslaughter; which said petitions were received and severally referred to the committee of propositions and grievances.

Mr. Dennis presented the account of Hugh Henry, sheriff of Bibb county;

Mr. Gayle presented the account of James D. Godbolt, sheriff of Monroe county: which accounts were received, and severally referred to the committee of accounts.

Mr. Crenshaw presented the petition of the officers of the 22d regiment of Alabama militia, praying that said regiment may be divided into two regiments; which was received and referred to the military committee.

Mr. M'Connico presented the petition of sundry inhabitants of Monroe county, praying the establishment of an academy at Claiborne, in said county; which was received and referred to a select committee, consisting of Messrs. M'Connico, Gayle and Dale.

Mr. M'Connico presented the petition of Peter Keebler, of Monroe county, praying that a lease which he had taken on the 16th section, in township 7, and range 7, may be further extended to one year, in consideration of misfortunes, &c. which was received and referred to the committee on schools, colleges and universities, and school and university lands.

Mr. Oliver presented the petition of sundry inhabitants of Butler, Covington and Conecuh, praying a certain stream, therein called Union Creek, may be declared a public highway; which was received, and referred to the committee on inland navigation.

A message from the Senate, by Mr. Lyon, their secretary:

Mr. Speaker:—The Senate did on yesterday adopt the following resolution, in which they desire your concurrence.

Resolved, By the Senate, with the concurrence of the House of Representatives, the Senate will to-morrow, at the hour of three o'clock, P. M. meet in the Representative Hall, for the purpose of filling all vacancies which may have occurred in the Board of Trustees.

A communication was received from the Governor by Mr. Pleasants, secretary of state: Which communication was in writing, and is as follows:

EXECUTIVE DEPARTMENT, }

December 9, 1823. }

Gentlemen of the Senate and of the House of Representatives,

I have just received the resignation of Henry Hitchcock, esquire, as a trustee of the University of Alabama.

ISRAEL PICKENS.

Mr. Oliver, from the select committee, to whom was referred the consideration of a bill, to be entitled "An act to regulate escheats in this state, and to appoint escheators," Reported said bill without amendment.

Mr. Oliver, from the judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of providing a summary mode for the impeachment of justices of the peace, for mal-practice in office, Reported, that the only way to effect the object of the resolution, is to amend the constitution as to that matter: in which report the House concurred.

Mr. Oliver, from the same committee, to whom was referred a resolution allowing the solicitor of the first judicial circuit

dollars in addition to his present salary, for extra services by him performed, Reported, that said committee recommend that the blank in said resolution be filled with the words "one hundred and fifty," in which report the House concurred.

Ordered, That said resolution be engrossed for a third reading to-morrow.

Mr. Miller, from the committee on county boundaries, to whom was referred a bill, entitled "An act establishing a certain county therein named," Reported said bill without amendment.

Mr. Mead, from the committee on roads, bridges, ferries, &c. to whom was referred the petition of Joseph Barleson, reported a bill, to be entitled "An act to amend an act entitled an act to establish a turnpike road leading from Lawrence to intersect the military road at Pikesville, in Marion county; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Mead, from the same committee, to whom was referred the petition of John Byler, reported a bill, to be entitled "An act to amend an act, passed at Huntsville, the 16th December, 1819, entitled an act to establish a public road therein named;" which was read a first time, and ordered to be read a second time to-morrow.

Ordered, That the House concur in the resolution from the Senate proposing to go into the election of trustees of the University of the state of Alabama, this evening at 3 o'clock.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Mead, from the committee on roads, bridges, ferries, &c. to whom was referred the petition of sundry inhabitants of Monroe, Clark and Washington, praying that a road leading from Claiborne to Greenlees' Ferry may be turnpiked by Edward Smith. Reported, that the prayer of the petitioners is unreasonable, and ought not to be granted.

Ordered, That the House disagree to said report.

Ordered, That the committee be discharged from the further consideration of said petition.

Mr. Mead, from the same committee, to whom was referred the petition of sundry inhabitants of Wilcox county, Reported, that said petitioners ask leave to withdraw their petition. And the House granted leave accordingly.

Mr. Lanier offered the following resolution:

Resolved, That this House will not receive any new business after Saturday next; and that this House will adjourn, *sine die*, on Saturday the 20th of this month.

Mr. Vining moved to amend said resolution by adding after the word "will," these words, "with the concurrence of the Senate;" which was adopted.

Mr. Young moved that said resolution lie on the table; which was lost—Yeas 27, Nays 23.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Beck	Goodhue	Jackson	Martin	Shotwell
Brown	Hallett	Lister	Oliver	Tindall
Barclay	Harvey	Moore of J.	Phillips	Whitaker
Dale	Hill of T.	Mead	Peyton	Weissinger
Dennis	Haines	Manly	Perkins	Young—27.
Gayle	Hill of B.			

Those who voted in the negative, are,

Mr. Speaker	Fleming	Merriwether	Miller	Ains
Crenshaw	Harrison	McVay	Philpott	Sargent
Crenagh	Jones	Moore of Mad.	Powell	Skinner
Fields	King	Moore of Mar.	Pickett	Vining
Fitts	Lanier	Mandis	Salter	Smith--28.
Fluker	McConnico	McLaughlin		

Mr. Perkins moved to amend said resolution by adding after the word "business," the words, "except petitions, memorials, and accounts;" which was adopted.

Ordered. That Mr. Lanier have leave to withdraw said resolution.

A message from the Senate, by Mr. Lyon, their secretary :

Mr. Speaker—The Senate have adopted the following resolution, in which they desire your concurrence :

Resolved, That with the concurrence of the House of Representatives, the Senate will on Friday next, at 3 o'clock, P. M. repair to the Representative Chamber, for the purpose of electing all the officers of this state whose offices are vacated, and the filling of which devolves upon the legislature.

They have also adopted the following resolution, in which they also desire your concurrence :

Resolved, That with the concurrence of the House of Representatives, the Senate will assemble in their Hall at 3 o'clock this evening, for the purpose of electing a trustee of the University, in the place of Henry Hitchcock, Esq. this day resigned.

And then he withdrew.

Ordered. That the House concur in said resolutions.

Ordered. That the clerk acquaint the Senate therewith.

Mr. Fitts, from the committee on enrolled bills, reported that said committee had examined, and found correctly enrolled, bills of the following titles, to wit :

"An act to amend an act, entitled an act to establish a public road from the house of John Gandie, in Morgan county, to Baltimore or Morgan's Springs, in Blount county, passed Dec. 23, 1822 ;"

"An act restricting the recovery of claims against the counties respectively in certain cases ;"

"A resolution extending the time of payment of lots in the town of Cahawba."

On motion of Mr. Fitts, *Resolved,* That the judiciary committee be instructed to inquire into what further compensation, by way of fees of office, should be allowed to the judges of the county courts, and that they report by bill or otherwise.

On motion of Mr. Philpott, *Ordered,* That the judiciary committee be instructed to inquire into the expediency of so amending the existing laws of this state, as to make it the duty of the solicitor of the first judicial circuit to attend the county courts of the county of Mobile, exercising criminal jurisdiction.

Mr. Gayle, from the committee of ways and means, introduced a bill, to be entitled an act concerning billiard tables ; which was read a first time, and ordered to be read a second time to morrow.

Mr. Miller, from the committee on county boundaries, to whom was referred the petition of sundry inhabitants of Jefferson county, reported a bill, to be entitled an act to alter the boundary line of Jefferson county ; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Jackson, from the select committee, to whom was referred the preamble and resolutions proposing General Andrew Jackson as a suitable person as candidate for President of the United States, reported the said preamble and resolutions with sundry amendments; in which amendments the House concurred. *Ordered*, That said resolutions be read a third time to-morrow.

Mr. Pickett moved that two hundred copies thereof be printed for the use of this House; which was lost—Yeas 18, Nays 36.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Beck	Fleming	King	Marly	Perkins
Brown	Gayle	Ladner	Martin	Sargent
Dale	Hallett	Moore of Mad.	Pickett	Tindall—18.
Fields	Jones	Mead		

Those who voted in the negative, are,

Mr. Speaker	Harvey	M'Vay	Phillips	Skinner
Barclay	Hill of T.	Moore of J.	Philpott	Smith
Crenshaw	Hill of B.	Moore of Mar.	Powell	Young
Creagh	Harrison	Morris	Peyton	Whitaker
Dennis	Jackson	M'Laughlin	Salter	Weisinger
Fitts	Lister	Miller	Sims	Young—36.
Fluker	M'Connico	Oliver	Shotwell	
Goodhue	Merriwether			

Ordered, That one hundred copies be printed for the use of this House.

Mr. King, from the select committee, to whom was referred a bill, to be entitled "An act to revive in part and amend an act to regulate the proceedings in the courts of law and equity in this state," reported said bill without amendment.

Mr. M'Vay obtained leave to introduce a bill, to be entitled an act for the sure and speedy trial of misdemeanors; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Hallett, from the select committee to whom was referred the consideration of a bill, entitled "An act amendatory to an act, entitled an act to provide for the printing of the laws and journals, and for other purposes, passed December 25, 1822," reported said bill, with sundry amendments; in which said amendments the House concurred.

Ordered, That said bill be read a third time.

Mr. Oliver, from the joint committee, to whom was referred a joint resolution directing them to inquire into the printing of the Digest of the statutes of this state, and making an index thereto, reported a bill, to be entitled "An act to allow Henry Hitchcock compensation for superintending the printing the Digest of the statutes of this state, and making an index for the same;" which was read a first time, and ordered to be read a second time to-morrow.

The House then proceeded to the orders of the day.

A bill from the Senate, entitled "An act to amend the several acts for the settlement and relief of the poor," was read a first time, and ordered to be read a second time.

Bills from the Senate, of the following titles, to wit:

"An act to regulate escheats in this state, and to appoint escheators;" and

"An act establishing a certain county therein named;" were severally read a second time, and ordered to be read a third time to-morrow.

And then then the House adjourned till 3 o'clock this evening.

Evening Session.

On motion of Mr. Lanier; *Resolved*, That the Senate be informed that this House is now ready to receive them, to go into the election of trustees of the University of Alabama, and that the west end of the hall be assigned for their reception.

The Senate having repaired to the hall of this House, the two Houses proceeded to the election of a trustee of the University of the state of Alabama, for the first judicial circuit, to fill the vacancy occasioned by the resignation of George W. Owen, Esq.

George Buchanan and Arthur P. Bagby being in nomination, the votes stood thus :

For Mr. Buchanan, 39.

For Mr. Bagby, 36.

The speaker thereupon declared Mr. Buchanan duly elected a trustee of the University of Alabama, for the first judicial circuit, to fill the vacancy occasioned by the resignation of George W. Owen.

Those who voted for Mr. Buchanan, are,

Mr. Casey	Ashley	Haines	M'Connico	Pickett
Cous	Beck	Harvey	Merriwether	Salter
Metcalf	Brown	Hill of T.	M'Vay	Sims
Murphy	Creagh	Hill of B.	Moore of Mad.	Shotwell
M'Vay	Dennis	Harrison	Moore of Mar.	Tindall
Smith	Fields	King	M'Laughlin	Vining
Sullivan	Fluker	Lister	Manly	Weissinger—39.
Wood.	Gayle	Lanier	Miller	

Those who voted for Mr. Bagby, are,

Mr. President	Moore	Fleming	Martin	Skinner
Armstrong	Powell	Goodhue	Oliver	Smith
Bibb	Shackleford.	Hallett	Phillips	Whitaker
Conner	Mr Speaker	Jackson	Philpott	Young—36.
Crabb	Barclay	Jones	Powell	
Devereux	Crenshaw	Moore of J.	Peyton	
Hopkins	Dale	Mardis	Perkins	
M'Camy	Fitts	Mead	Sargent	

The two Houses then proceeded to the election of a trustee of the University of Alabama, for the second judicial circuit, to fill the vacancy occasioned by the resignation of Henry Hitchcock, Esquire.

Bolling Hall, Esq. being in nomination, the votes were—

For Bolling Hall, 70.

The speaker thereupon declared Bolling Hall, Esq. duly elected a trustee of the University of Alabama, for the 2d judicial circuit.

Those who voted for Mr. Hall, are,

Mr. President	Smith	Fitts	M'Connico	Philpott
Armstrong	Sullivan	Fluker	Merriwether	Powell
Bibb	Wood.	Fleming	M'Vay	Peyton
Coats	(Reps)	Gayle	Moore of Mad.	Pickett
Conner	Mr. Speaker	Goodhue	Moore of J.	Perkins
Crabb	Ashley	Hallett	Moore of Mar.	Sims
Devereux	Beck	Harvey	Mardis	Shotwell
Hopkins	Brown	Hill of T.	Mead	Sargent
M'Camy,	Barclay	Hill of B.	M'Laughlin	Skinner
Metcalf	Crenshaw	Harrison	Manly	Smith
Moore,	Creagh	Haines	Martin	Vining
Murphy	Dale	Jackson	Miller	Whitaker
M'Vay	Dennis	Jones	Oliver	Weissinger
Powell	Fields	Lister	Phillips	Young—70.
Shackleford				

Scattering, 2.

The two Houses then proceeded to the election of a trustee for the fourth judicial circuit, to fill the vacancy occasioned by the resignation of John M. Kinley, Esq.

Arthur F. Hopkins and Hugh M. Vay, Esquires being in nomination, the votes stood thus :

For Mr. Hopkins, 51.

For Mr. V. Vay, 21.

The speaker thereupon declared Arthur F. Hopkins, Esq. duly elected a trustee of the University of Alabama, for the fourth judicial circuit.

Those who voted for Mr. Hopkins, are,

Mr. President	Mr. Speaker			
Armstrong	Ashley	Hallett	Mardis	Sims
Bibb	Crenshaw	Harvey	Mead	Sargent
Casey	Creagh	Hill of T.	Martin	Skinner
Coats	Dale	Jackson	Miller	Smith
Crabb	Dennis	Jones	Oliver	Tindall
Devereux	Fitts	Lister	Phillips	Vining
Moore	Fluker	Lanier	Philpott	Whitaker
Murphy	Fleming	M'Connico	Pickett	Weisinger
Powell	Gayle	Merriwether	Perkins	Young—51
Shackleford	Goodhue	Moore of J.	Salter	

Those who voted for Mr. M. Vay, are,

Mr. Conner	Wood	Fields	King	Manly
M'Camy	Beck	Hill of B.	M. Vay	Powell
Metcalf	Brown	Harrison	Moore of Mad.	Peyton
Smith	Barclay	Haines	M'Laughlin	Shotwell—21.
Sullivan				

The two Houses then proceeded to the election of a trustee of the University of Alabama, for the sixth judicial circuit, to fill the vacancy created by the death of R. W. Carter, deceased.

Samuel W. Oliver and Enoch Parsons, Esquires, being in nomination, the votes stood thus :

For Mr. Oliver. 51.

For Mr. Parsons. 22.

The speaker thereupon declared Mr. Oliver duly elected a trustee of the University of Alabama, for the sixth judicial circuit.

Those who voted for Mr. Oliver, are,

Mr. President	Mr. Speaker			
Armstrong	Ashley	Goodhue	Mead	Perkins
Bibb	Barclay	Hallett	M'Laughlin	Salter
Coats	Creagh	Harvey	Manly	Shotwell
Conner	Dale	Harrison	Martin	Sargent
Devereux	Dennis	Jones	Miller	Skinner
Hopkins	Fields	King	Phillips	Smith
M'Camy	Fitts	Merriwether	Philpott	Tindall
Moore	Fluker	Moore of J.	Powell	Whitaker
Powell	Fleming	Moore of Mar.	Peyton	Weisinger
Shackleford		Mardis	Pickett	Young—51.

Those who voted for Mr. Parsons, are,

Mr. Casey	Smith	Gayle	Jackson	M. Vay
Crabb	Sullivan	Hill of T.	Lister	Moore of Mad.
Metcalf	Wood.	Hill of B.	Lanier	Sims
Murphy	Beck	Haines	M'Connico	Vining—22.
M. Vay	Crenshaw			

The Senate then withdrew.

And then the House adjourned till to-morrow morning, 10 o'clock.

Wednesday, December 10.

Mr. Jones presented the petition of sundry inhabitants of Lawrence county, praying that the sheriff of said county may be allowed to sell property at Courtland, in said county; which was received, and referred to a select committee, consisting of Messrs. Jones, M. Vay and Young.

Mr. Crenshaw presented the petition of George Phillips and Caleb Tate, executors of Bailey M. Woods, deceased, praying that an act may pass manumitting a negro Letitia, the property of said Bailey M. Woods, deceased; which was referred to a select committee, consisting of Messrs. Crenshaw, Phillips and Ashley.

Mr. Beck presented the petition of sundry inhabitants of Wilcox county, praying an alteration in a part of the road directed to be laid out between Cahawba and Pensacola; which was referred to the committee on roads, bridges, ferries, &c.

Mr. Beck presented the petition of Robert H. Gregg, tax collector of Wilcox county for the year 1820, praying that a certain sum may be refunded to him on account of insolvencies; which was received, and referred to the committee of propositions & grievances.

Mr. Ashley presented the petition of Jacob Dust, administrator of John Cain, deceased, praying the manumission of a negro named Nicey, belonging to the estate of said Cain; which was received, and referred to a select committee, consisting of Messrs. Ashley, M'Le-more, and Pickett.

Mr. Gayle, from the committee of ways and means, to whom was referred a bill from the Senate, entitled "An act to provide for taking the census," reported said bill with sundry amendments; in which amendments the House concurred.

Ordered, That said bill be read a third time to-morrow.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker:—The Senate have passed bills, which originated in their body, of the following titles, to wit:

An act to authorize Rebecca Fletcher to emancipate a certain slave therein named;

An act pointing out the manner by which the streets in the towns of Tuskalooza and Montgomery shall be kept in good order, and for other purposes; and

A resolution respecting the further distribution of the laws of this state; in all of which they desire your concurrence. And then he withdrew.

Mr. Gayle, from the committee of ways and means, to whom was referred a bill, to be entitled "An act to reduce the expenses of the General Assembly of this state," reported the same without amendment.

Mr. Gayle, from the same committee, to whom was referred so much of the Governor's Message, as relates to the loan from the Tombeckbe Bank, Reported, that it is unnecessary to continue said loan; in which report the House concurred.

Mr. Gayle, from the same committee, to whom was referred a resolution directing them to inquire whether any, and if any, what alterations are necessary to be made respecting the compensation now allowed for collecting the county tax in the several counties of this state, Reported, that the committee ask to be discharged from the further consideration thereof, as there is a bill now before the House embracing that object.

The committee were accordingly discharged from the further consideration thereof.

Mr. Oliver, from the judiciary committee, to whom was referred a resolution directing them to inquire into the expediency of altering

the county court system, Reported, that they consider any alteration therein inexpedient. And the question being put, shall this House concur in said report, it was decided in the affirmative—Yeas 35, Nays 21.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fluker	Haines	Moore, of J.	Phillips
Ashley	Fleming	Jackson	Mardis	Philpott
Brown	Gayle	Jones	Mead	Pickett
Crenshaw	Goodhue	Lister	M'Laughlin	Perkins
Creagh	Hallett	M'Connico	Manley	Smith
Dale	Hill, of T.	Merriwether	Miller	Tindall
Fitts	Harrison	M'Lemore	Oliver	Weissinger—35.

Those who voted in the negative, are,

Mr. Beck	Hill, of Bibb,	Moore, of Mad.	Peyton	Sargent
Barciay	King	Moore, of Mar.	Salter	Skinner
Dennis	Lanier	Martin	Sims	Vining
Fields	M'Vay	Powell	Shotwell	Whitaker—21.
Harvey				

Mr. Oliver, from the same committee, to whom was referred a bill, to be entitled "An act concerning contracts," Reported, that they had amended the said bill by striking out the enacting clause.

Mr. Oliver moved that the House concur in said report, which was carried—yeas 33, nays 23.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Fitts	Harvey	Moore, of Mar.	Pickett
Beck	Fluker	Jackson	Mardis	Salter
Brown	Fleming	Jones	M'Laughlin	Sims
Crenshaw	Gayle	Lister	Manly	Smith
Creagh	Goodhue	M'Connico	Miller	Tindall
Dale	Hallett	Merriwether	Oliver	Weissinger—33.
Dennis	Haines	M'Lemore		

Those who voted in the negative, are,

Mr. Speaker	Harrison	Moore, of J.	Powell	Sargent
Barclay	King	Mead	Peyton	Skinner
Fields	Lanier	Martin	Perkins	Vining
Hill, of T.	M'Vay	Phillips	Shotwell	Whitaker—23.
Hill, of B.	Moore, of Mad.	Philpott		

Mr. Mead, from the committee on roads, bridges, ferries, &c. to whom was referred the petition of Benjamin Hatch, reported a bill, to be entitled "An act for the relief of Benjamin Hatch;" which was read a first time, and ordered to be read a second time to-morrow.

Mr. Fitts, from the joint committee on enrolled bills, reported, that said committee had examined, and find correctly enrolled, bills of the following titles, to wit:

An act for the relief of Martin Hogan;

An act supplementary to an act, entitled, an act to authorize administrators to sell land belonging to the estate of their intestate, to which a complete title has not been obtained, passed December 27, 1822;

"An act declaring Cotaco, in Morgan county, a public highway;"

"An act to amend an act entitled an act to incorporate the Huntsville Fire Engine Company, passed December 10, 1822."

Mr. Pickett, from the joint committee, to whom was referred a resolution to inquire into the expediency of so altering the constitution of this state, as that the judges of the circuit and county courts should be elected for a term of years: Reported, that it is inexpe-

dient to make any alteration of the constitution in relation to that subject.

And the question being put, on concurring in said report, it was decided in the negative.

Yeas 17

Nays 40.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Haines	Lister	Moore, of Mar.	Young—17.
Creagh	Harrison	McConnico	Martin	
Gayle	Jackson	Merriwether	Perkins	
Hill of T.	Jones	Moore, of J.	Tindall	

Those who voted in the negative, are,

Mr. Ashley	Fitts	Lazier	Miller	Sims
Beck	Fluker	McLemore	Oliver	Shotwell
Brown	Fleming	McVay	Phillips	Sargent
Barclay	Goodhue	Moore of Mad.	Philpott	Skinner
Crenshaw	Hallett	Mardis	Powell	Smith
Dale	Harvey	Mead	Peyton	Vining
Dennis	Hill of B.	McLaughlin	Pickett	Whitaker
Fields	King	Manly	Salter	Weissinger---40.

Mr. Fleming, from the select committee, to whom was referred, the petition of the administrators of Walter Otey, deceased; reported a bill, to be entitled "An act to authorize the administrators of Walter Otey, decd. to sell certain real estate;" which was read a first time, and ordered to be read a second time to-morrow.

Mr. Gayle, from the joint committee, to whom was referred a resolution directing them to inquire whether it will be necessary for the General Assembly, under the provisions of the constitution, to elect solicitors who were appointed to fill vacancies at the last session; and whether the solicitors elected to fill vacancies shall hold their offices during four years from the date of their elections respectively; Reported, That it is not necessary at the present session to elect solicitors, who were elected at the last; and that they are entitled to hold their offices for four years. In which report the House concurred.

Mr. Beck obtained leave to introduce a bill to be entitled an act to repeal in part an act entitled "An act declaring certain roads therein named, public roads."

Mr. Fleming obtained leave to introduce a bill, to be entitled "An act to amend an act entitled, an act to incorporate Indian Creek Navigation Company, passed at Cahawba, 21st Dec. 1820."

Mr. Jones obtained leave to introduce a bill, to be entitled "An act regulating the construction of contracts."

Mr. Ashley obtained leave to introduce a bill, to be entitled "An act to alter the name of, & legitimate a certain person therein named."

Mr. Powell obtained leave to introduce a bill, to be entitled "An act authorizing Claiborne Wright and his associates, to open a channel in a certain part of the Tennessee river therein named."

Mr. Hallett obtained leave to introduce a bill, to be entitled "An act providing for the collection of monies due to counties and county taxes."

Mr. Harvey obtained leave to introduce a bill, to be entitled "An act to repeal part of an act, entitled, an act to appoint commissioners for the counties of Covington and Pike, and for other purposes;" which bills were severally read a first time, and ordered the first six to be read a second time to-morrow, and the latter on Friday next.

Mr. Mardis presented the account of William Davis, a constable: which was received and referred to the committee on accounts.

On motion of Mr. Hill, of Bibb, the House took into consideration a bill, to be entitled "An act to authorize Sally B. Stevens, administratrix of Henry W. Stevens, deceased, to sell real estate."

Ordered, That said bill be engrossed for a third reading to-morrow.

Mr. M'Vay offered the following resolution: *Resolved*, That the committee on schools and colleges and school and college lands, be instructed to inquire into the expediency of locating the State University at the town of Moulton, in Lawrence county; which was rejected.

On motion of Mr. Weissinger, the House took into consideration a bill, to be entitled "An act to alter and amend an act entitled an act to provide for assessing and collecting the taxes of this state, passed Dec. 17, 1821."

Ordered, That said bill be referred to the committee on ways and means.

The House then took into consideration a bill, to be entitled "An act to reduce the expenses of the General Assembly of this state."

Mr. Gayle moved, that the further consideration of said bill be indefinitely postponed; which was carried.

Yeas 35

Nays 21.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Fitts	Hill of T.	Moore of Mad.	Philpott
Beck	Fleming	Hill of B.	Moore of J.	Powell
Barclay	Gayle	Lister	Mead	Salter
Creagh	Goodhue	Lanier	M'Laughlin	Shotwell
Dale	Hallett	M'Connico	Manly	Tindall
Dennis	Harvey	Merriwether	Martin	Whitaker
Fields	Haines	M'Leomore	Oliver	Weissinger.--35.

Those who voted in the negative, are,

Mr. Brown	Jones	Miller	Sims	Young---21.
Crenshaw	King	Phillips	Sargent	
Fluker	M'Vay	Peyton	Skinner	
Harrison	Moore of Mar.	Pickett	Smith	
Jackson	Mardis	Perkins	Vining	

Bills and a resolution from the Senate, of the following titles, to wit: "An act to authorize Rebecca Fletcher, to emancipate a certain slave therein named;"

"An act pointing out the manner by which the streets in the towns of Tuskalooza and Montgomery, shall be kept in good order, and for other purposes;" and,

Resolution, respecting the further distribution of the laws of the state; were severally read a first time, and ordered to be read a second time to-morrow.

And then the House adjourned till 3 o'clock this evening.

Evening Session.

A bill, to be entitled "An act to alter the boundary line of Jefferson county;" was read a second time, and ordered to be engrossed for a third reading to-morrow.

It would appear by the vote given by the undersigned, for the indefinite postponement of the bill, to be entitled "An act to reduce the expenses of the General Assembly of this state, that we are opposed to such reduction, which is not the fact, for the undersigned voted for the indefinite postponement of the bill; first, because the same subject had been

before the Senate, who had refused to reduce the compensation; and secondly, because the bill before the House of Representatives, only proposed to reduce the compensation from and after the passage of the act; and as the bill would not have been finally acted on, until the session had nearly drawn to a close, therefore the desirable object of reducing the expenses of the General Assembly would not have been effected, so far as relates to the present session.

JAMES POWELL,

SAMUEL W. OLIVER.

A bill, to be entitled "An act to allow to Henry Hitchcock, compensation for superintending the printing the digest of the statutes of this state, and making an index for the same;" was read a second time, and ordered to lie on the table.

Resolutions proposing Gen. Andrew Jackson as a suitable candidate for President of the United States; were read a third time.

Mr. Haines moved, that said resolutions lie on the table: which was lost.—Yeas 6—Nays 51.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Haines	M'Laughlin	Smith
Harrison	Perkins	Tindall---6.

Those who voted in the negative, are,

Mr. Speaker	Fluker	Lister	Manly	Shotwell
Ashley	Fleming	Lanier	Martin	Sargent
Beck	Gayle	M'Connico	Miller	Skinner
Brown	Goodhue	Merriwether	Oliver	Vining
B Barclay	Hallett	M'LeMore	Phillips	Whitaker
Crenshaw	Harvey	M'Vay	Philpott	Weissinger
Creagh	Hill of T.	Moore of Mad.	Powell	Young---51.
Dale	Hill of B.	Moore of J.	Peyton	
Dennis	Jackson	Moore of Mar.	Pickett	
Fields	Jones	Mardis	Salter	
Fitts	King	Mead	Sims	

The question was then put, shall this preamble and resolutions pass? and decided in the affirmative.—Yeas 39—Nays 18.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Gayle	King	Mead	Salter
Ashley	Goodhue	Lanier	Manly	Shotwell
Brown	Hallett	M'LeMore	Martin	Sargent
B Barclay	Harvey	M'Vay	Miller	Skinner
Crenshaw	Hill, of B.	Moore of Mad.	Philpott	Vining
Dale	Hill of T.	Moore of J.	Powell	Whitaker
Fields	Jackson	Moore of Mar.	Peyton	Young---36.
Fleming	Jones	Mardis	Pickett	

Those who voted in the negative, are,

Mr. Beck	Fluker	M'Connico	Phillips	Tindall
Creagh	Harrison	Merriwether	Perkins	Weissinger---18.
Dennis	Haines	M'Laughlin	Sims	
Fitts	Lister	Oliver	Smith	

Ordered. That the clerk acquaint the Senate therewith.

Bills from the Senate of the following titles, to wit:

An act to regulate escheats in this state, and to appoint escheators; and

"An act amendatory of an act, entitled an act to provide for the printing of the laws and journals, and for other purposes, passed Dec. 25, 1822;" were severally read a third time and passed.

Ordered. That the clerk acquaint the Senate therewith.

A message from the Governor, by Mr. Pleasants, secretary of state.

Mr. Speaker—The Governor did on the 9th inst. approve, & sign,

An act, to alter the name of, and legitimate a certain person therein named;

An act refunding Benjamin Sherrod taxes improperly paid;

An act for the relief of James Slaughter, tax collector of Limestone county, in the year 1821;

An act concerning writs of certiorari;

An act to legalize the registering and recording certain deeds or conveyances of land in this state; and for other purposes; and

An act respecting bail in civil cases; all of which originated in the House of Representatives. And then he withdrew.

And then the House adjourned till to-morrow morning 10 o'clock.

Thursday, December 11.

The Speaker laid before the House a record of the proceedings of Madison circuit court, exercising chancery jurisdiction in the case of Robert Blassingam, against his wife, Elizabeth, for a divorce;

Also a record of the proceedings of the same court in the case of Drury Conally, against his wife, Nancy, for a divorce: which records were received and referred to the committee on divorce and alimony.

Mr. Haines laid before the House the account of the sheriff of Baldwin county.

Mr. Pickett laid before the House the accounts of sundry persons.

Mr. Shotwell laid before the House the account of John Cunningham.

Mr. Perkins laid before the House the accounts of sundry persons.

All of which were received and severally referred to the committee on accounts.

Mr. Hallett presented the petition of Harriet Louis, a free woman of color, praying the emancipation of a certain slave named Catiche.

Mr. M'Lemore presented the petition of Jonathan Nelson, praying authority to turnpike a part of the road leading from Live Creek to Claiborne; which petitions were received, and referred severally—the first to a select committee, consisting of Messrs. Hallett, Oliver and Fitts: and the latter to the committee on roads, bridges, ferries, &c.

Mr. Mead, from the committee on roads, bridges, ferries, &c. Reported a bill, to be entitled “An act to amend an act entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes, which was read a first time, and ordered to be read a second time to-morrow.

Mr. Jackson, from the committee of ways and means, to whom was referred so much of the Governor's Message as relates to the navigation of certain rivers, reported a bill, to be entitled “An act for improving the navigation of certain rivers therein named; which was read a first time, and ordered to be read a second time to-morrow.

A message from the Senate, by Mr. Lyon, their secretary.

Mr. Speaker—The Senate have passed bills, originating in your House, of the following titles, to wit:

An act to establish the bank of the state of Alabama; and

An act to repeal in part an act concerning divorce, passed 21st December 1820: in which they desire the concurrence of your House. And then he withdrew.

Mr. Phillips, from the committee of ways and means, to whom was referred the consideration of a bill, to be entitled “An act to

alter and amend an act entitled an act to provide for assessing and collecting the taxes of this state, passed December 17th, 1821," reported said bill with sundry amendments: in which amendments the House concurred.

Mr. Philpott moved to amend the bill by striking out all of the first section, after the enacting clause; which said first section provides for the election of an assessor and tax collector to be elected by the qualified electors in each and every county; which motion was lost—yeas 20, nays 34.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Hill, of T.	Moore, of J.	Martin	Sims
Barclay	Jackson	Moore, of Mar.	Miller	Sargent
Crenshaw	King	Mardis	Philpott	Skinner
Fleming	Merriwether	Manley	Perkins	Tindall—26.

Those who voted in the negative, are,

Mr. Beck	Gavle	Lister	M'Laughlin	Shotwell
Brown	Hallett	Lazier	Oliver	Smith
Creagh	Harvey	M'Connico	Phillips	Vining
Dennis	Hill, of Bibb,	M'Lemore	Powell	Whitaker
Fields	Hames	M'Vay	Peyton	Weissinger
Fitts	Harrison	Moore, of mad	Pickett	Young—34.
Folker	Jones	Mead	Salter	

Ordered, That said bill be engrossed, and be read a third time to-morrow.

Mr. Creagh, from the select committee, to whom was referred a bill from the Senate, entitled "An act to establish regular justices' courts in this state, reported said bill with sundry amendments; in all of which amendments the House concurred.

Ordered, That said bill be read a third time to-morrow.

Mr. Miller, from the committee of propositions and grievances, to whom was referred the petition of sundry inhabitants of Bibb and Autauga, praying authority to patrol Indians that may be found hunting on their frontiers, Reported, that the prayer of the petition is unreasonable and ought not to be granted; in which report the House concurred.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—The Senate disagree to the amendments made by your honorable body, to the bill, entitled "An act amendatory to an act entitled an act to provide for the printing of the laws and journals, and for other purposes, passed December 25, 1822. And then he withdrew.

Ordered, That the House insist on their amendments to the said bill.

Mr. Young, from the select committee, to whom was referred the petition of the bank of Huntsville, reported a bill, to be entitled "An act to amend the charter of the Planters' and Merchants' Bank of Huntsville; and to provide for the speedy resumption of specie payments thereby;" which was read a first time, and ordered to be read a second time to-morrow.

The Speaker laid before the House the report of Jonathan Burleson and John Birdwell, commissioners appointed to examine Flint River; which was received and referred to the committee on inland navigation.

Mr. Martin obtained leave to introduce a bill, to be entitled "An act to alter the mode of voting in general elections by the people; which was read a first time; and

Mr. Weissinger moved that the further consideration of the said bill be indefinitely postponed; which was carried—yeas 30, nays 26.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Fitts	Harrison	M'Lemore	Pickett
Beck	Flaker	Jackson	Moore, of Mad.	Salter
Crenshaw	Gayle	Lister	Mead	Sims
Creagh	Harvey	Lanier	M'Laughlin	Shotwell
Dennis	Hill, of T.	M'Connico	Oliver	Tindall
Fields	Hill, of Bibb	Merriwether	Phillips	Weissinger—30.

Those who voted in the negative, are,

Mr. Sneaker	Haines	Moore, of Mar.	Philpott	Skinner
Brown	Jones	Mardis	Powell	Smith
Barclay	King	Manly	Peyton	Vining
Fleming	M'Vay	Martin	Perkins	Whitaker
Hallett	Moore, of J.	Miller	Sargent	Young—25.

Mr. Moore, of Jackson, obtained leave to introduce a bill, to be entitled "An act regulating appeals from the county courts to the circuit court."

Mr. Haines obtained leave to introduce a bill, to be entitled "An act to establish certain election precincts therein named."

Mr. Creagh obtained leave to introduce a bill, to be entitled "An act to provide for the payment of state witnesses, which were severally read a first time, and ordered to be read a second time to-morrow."

Mr. Pickett offered the following resolution: *Resolved*, with the concurrence of the Senate, that one copy of the Digest of the laws of the state of Alabama, be furnished each and every sheriff in this state, under the same rules and regulations, that the Digest is distributed to justices of the peace.

Ordered, That said resolution be referred to a select committee: Whereupon, Messrs. Pickett, Martin and Oliver were appointed said committee.

Mr. Hill, of Bibb, obtained leave to introduce a bill, to be entitled "An act concerning judicial proceedings," which was read a first time, and ordered to be read a second time to-morrow.

Mr. Hallett obtained leave to introduce a bill, to be entitled "An act to promote the morals of retailers, and the better to secure to the state the revenue which should accrue from licenses granted to retailers," which was read a first time, and ordered to a second reading to-morrow.

Mr. Young moved that this House do now adjourn till 3 o'clock, which was lost—yeas 10, nays 45.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Barclay	Harvey	Lanier	Manly	Salter
Hallett	Jackson	Mardis	Miller	Young—10.

Those who voted in the negative, are:

Mr. Speaker	Fleming	Lister	M'Laughlin	Sims
Ashley	Gayle	M'Connico	Martin	Shotwell
Beck	Goodhue	Merriwether	Oliver	Sargent
Brown	Hill of T.	M'Lemore	Phillips	Skinner
Crenshaw	Hill of B.	M'Vay	Philpott	Smith
Dennis	Harrison	Moore of Mad.	Powell	Tindall
Fields	Haines	Moore of J.	Peyton	Vining
Fitts	Jones	Moore of Mar.	Pickett	Whitaker
Flaker	King	Mead	Perkins	Weissinger—45

On motion of Mr. Vining, the House took into consideration a bill from the Senate, entitled "An act to repeal so much of an act pass-

ed on the 15th day of December, 1821," as allows Samuel Dale for life, the half pay of a colonel in the army of the United States.

Mr. Jones moved that the further consideration of the said bill be indefinitely postponed ; which was lost.

Yeas 25. Nays 31.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Dennis	Haines	M'Lemore	Oliver
Ashley	Fitts	Jones	Moore of Mad.	Phillips
Beck	Fleming	Lister	Mardis	Pickett
Crenshaw	Gayle	Lanier	Mead	Salter
Creagh	Hallett	M'Connico	Martin	Young--25.

Those who voted in the negative, are,

Mr. Brown	Hill of B.	Moore of J.	Powell	Skinner
Barclay	Harrison	Moore of Mar.	Peyton	Smith
Fields	Jackson	M'Laughlin	Perkins	Tindall
Fluker	King	Maully	Sims	Vining
Goodhue	Merriwether	Miller	Shotwell	Whitaker
Harvey	M'Vay	Philpott	Sargent	Weissinger--31.
Hill of T.				

Ordered, That said bill be referred to the judiciary committee.

The House then adjourned till 3 o'clock this evening.

Evening, 3 o'clock.

Mr. Phillips presented the account of William Trigg ; which was received, and referred to the committee of accounts.

A communication was received from the Governor, by Mr. Pleasants, secretary of state, accompanying certain preamble and resolutions of the legislature of Tennessee, disapproving the practice of members of Congress meeting in caucus, and nominating a candidate for President of the United States : which communication, with the accompanying preamble and resolutions, was read and referred to a select committee, consisting of Messrs. Perkins, Fitts, Oliver, Jackson and Gayle.

The speaker laid before the House a communication from sundry clergymen, inviting the members of this House to attend a meeting this evening, in the State House, for the purpose of forming a State Bible Society, auxiliary to the American Bible Society.

Bills from the Senate of the following titles, to wit :

" An act to establish the Bank of the State of Alabama ;" and

" An act to repeal in part an act concerning divorce, passed the 21st December, 1820," were severally read a first time, and ordered to be read a second time to-morrow.

An engrossed bill, entitled " An act to alter the boundary line of Jefferson county," was read a third time, and passed.

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

On motion of Mr. Lanier, the House resolved itself into a committee of the whole House on the bill, to be entitled " An act for the relief of the people of the state of Alabama ;" and after some time spent in the consideration thereof, the committee rose, and Mr. Gayle Reported, That said committee had amended the said bill by striking out the enacting clause thereof

And the question being taken on concurring in said amendment, it was decided in the negative.

Yeas 26. Nays 29.

The yeas and nays being called for, those who voted in the affirmative, are.

Mr. Beck	Fitts	Harrison	McLemore	Salter
Brown	Fluker	Jackson	Moore of Mar.	Sims
Crenshaw	Gayle	Lister	McLaughlin	Shotwell
Creagh	Harvey	McConnico	Oliver	Tindall
Dale	Hill of T.	Merriwether	Perkins	Weissinger—26.
Fields				

Those who voted in the negative, are,

Mr. Speaker	Hill of B.	Moore of J.	Phillips	Skinner
Ashley	Jones	Mardis	Philpott	Smith
Barclay	King	Mead	Powell	Vining
Dennis	Lanier	Maully	Peyton	Whitaker
Goodhue	McVay	Martin	Pickett	Young—29.
Hallett	Moore of Mad.	Miller	Sargent	

Ordered, That said bill lie on the table.

A bill from the Senate, to be entitled "An act establishing a certain county therein named," was read a third time, and passed.

Ordered, That the clerk acquaint the Senate therewith.

An engrossed resolution from the Senate, allowing the solicitor of the first judicial circuit one hundred and fifty dollars, in addition to his present salary, for extra services performed, was read a third time and passed—Yeas 42, Nays 6.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Gayle	Lanier	Martin	Salter
Ashley	Goodhue	McConnico	Miller	Sims
Barclay	Hallett	Merriwether	Oliver	Shotwell
Crenshaw	Harvey	McLemore	Phillips	Smith
Creagh	Hill of T.	Moore of Mad.	Philpott	Tindall
Dale	Harrison	Moore of J.	Powell	Vining
Dennis	Jackson	Moore of Mar.	Peyton	Whitaker
Fitts	Jones	Mardis	Pickett	Weissinger
Fields	King	Mead	Perkins	Young—42.
Fluker	Lister	Maully		

Those who voted in the negative, are,

Mr. Brown	McVay	McLaughlin	Sargent	Skinner—6.
Hill of B.				

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

And then the House adjourned till to-morrow morning, 10 o'clock.

Friday, December 12.

Mr. Vining presented the petition of John Kirkland and Sally H. Smith, administrator and administratrix of George Smith, deceased, praying authority to sell real estate; which was received, and referred to the judiciary committee.

Mr. Perkins presented the account of A. D. Houghman;

Mr. Phillips presented the account of David McCord: which accounts were received, and severally referred to the committee on accounts.

Mr. Mead, from the committee on roads, bridges, ferries, &c. reported a bill, to be entitled "An act to change the state road, and for other purposes;" which was read a first time, and ordered to be read a second time to-morrow.

Mr. Jones, from the select committee, to whom was referred a petition of sundry inhabitants of Lawrence county, praying that the sheriff of said county may sell land and slaves at Courtland, in said county, reported a bill, to be entitled "An act to provide for the sale of land and slaves, at the town of Courtland, in certain

cases;" which was read a first time, and ordered to be read a second time to-morrow.

Mr. Phillips, from the select committee, to whom was referred a resolution directing them to inquire into the expediency of amending the Constitution of this state; and also resolutions proposing amendments. Reported, That said committee had amended said resolution by striking out all after the enacting clause, and substituting a new resolution in lieu thereof; in which amendment the House concurred.

Ordered, That said resolution be engrossed, and be read a third time to-morrow.

Mr. McLeomore obtained leave to introduce a bill, to be entitled "An act the better to regulate the proceedings of public officers in the several counties in this state;" which was read a first time, and ordered to be read a second time to-morrow.

An engrossed bill, to be entitled "An act to authorize Sally B. Stevens, administratrix of Henry W. Stevens, deceased, to sell real estate," was read a third time and passed.

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

A bill from the Senate, entitled "An act to amend the several acts for the settlement and relief of the poor," was read the second time, and ordered to be read a third time to-morrow.

A bill to be entitled "An act to authorize Thomas Wright to emancipate certain slaves therein named," was read a second time, and ordered to be engrossed for a third reading to-morrow.

Bills from the Senate, of the following titles, to wit:

An act to provide for selecting a site for the seat of justice in Decatur county;

An act to compel defendants to bills of injunction to give bond and security before they shall have the benefit of executions on their judgments at law; were severally read a third time, and passed.

Ordered, That the Senate be acquainted therewith.

A message from the Senate, by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have read a third time and passed a bill, which originated in your House, entitled "An act to increase the compensation of jurors in the counties therein named, and for other purposes, and have amended the same;" and in which amendments they desire your concurrence.

They insist upon their disagreement to the amendments made by your honorable body to a bill, entitled "An act amendatory to an act entitled an act to provide for the printing of the laws and journals, and for other purposes, passed Dec. 25, 1822. And then he withdrew.

Ordered, That this House recede from their amendments to the said latter bill.

Ordered, That a bill, entitled "An act to increase the compensation of jurors, in the counties therein named, and for other purposes, with the amendments of the Senate, be laid on the table.

Bills of the following titles, to wit:

An act to divorce Mary H. Judge from her husband, Wm. Judge;

An act to divorce certain persons therein named;

An act to divorce Margaret Toney from her husband Charles Toney;

An act to divorce certain persons therein named;

An act to divorce Dorcas Walker from her husband, Noah Walker;
 An act to divorce certain persons therein named; and
 An act to divorce Samuel Payne from his wife, Elizabeth Payne,
 were severally read a second time, and ordered to be engrossed for
 a third reading to-morrow.

A bill, to be entitled "An act to incorporate the town of Greensborough, in the county of Greene," was referred to a select committee, consisting of Messrs. Weissinger, Sims and Merriwether.—

And then the House adjourned till this evening at 3 o'clock.

Evening, 3 o'clock.

Mr. Martin offered the following resolution: *Resolved*, That the Senate be informed that this House is now ready to receive them in the west end of the Representative Chamber, in order to go into the election of such officers of the government, as may devolve on the General Assembly; which was adopted.

Ordered, That the clerk convey said resolution to the Senate.

The Senate having repaired to the hall of the House of Representatives, the two Houses proceeded to the election of a secretary of state.

James J. Pleasants being the only person in nomination.

The votes were—For Mr. Pleasants 75.

The Speaker thereupon declared Mr. Pleasants duly elected for the constitutional term.

Those who voted for Mr. Pleasants, were,

Mr. President	Shackelford	Fitts	M'Connico	Philpott
Armstrong	Smith	Flaker	Merriwether	Powell
Bibb	Sullivan	Fleming	M'Lamore	Peyton
Casey	Wood	Gayle	M'Vay	Pickett
Coats	(Reps.)	Goodhue	Moore, of Mad.	Perkins
Conner	Mr. Speaker	Hallett	Moore, of J.	Salter
Crabb	Ashley	Hill, of T.	Moore, of Mar.	Sims
Devereux	Beck	Hill, of Bibb	Mardis	Shotwell
Hopkins	Brown	Harrison	Mead	Sargent
M'Camy	Barclay	Haines	M'Laughlin	Skinner
Metcalf	Crenshaw	Jackson	Manly	Smith
Moore	Creagh	Jones	Martin	Tindall
Murphy	Dale	King	Miller	Vining
M'Vay	Dennis	Lister	Oliver	Whitaker
Powell	Fields	Lanier	Phillips	Weissinger—75.

The two Houses then proceeded to the election of a comptroller of public accounts.

Samuel Pickens being the only person in nomination; and all those voting for him, who voted for James J. Pleasants,

The Speaker thereupon declared him duly elected the comptroller of public accounts, for the constitutional term.

The two Houses then proceeded to the election of a treasurer.

John C. Perry being the only person in nomination; and the same persons voting for him that voted for Mr. Pleasants and Mr. Pickens,

The Speaker thereupon declared him duly elected the treasurer of the state of Alabama, for the constitutional term.

The two Houses then proceeded to the election of an adjutant general.

Isaac Wellbourn, Carter B. Harrison and James G. Carroll being in nomination, the votes stood thus,

For Mr. Wellbourn, 33 votes.

Mr. Harrison, 27

Mr. Carroll, 15

Those who voted for Mr. Wellbourn, are,

Mr. Conner	Barclay	Haines	Manley	Sargent
Hopkins	Fields	King	Miller	Skinner
M'Camy	Fitts	Lanier	Philpott	Smith
Metcalf	Fleming	M'Vay	Powell	Vining
M'Vay	Hill, of T.	Moore, of Mad.	Peyton	Whitaker
Mr. Speaker	Hill, of Bibb,	Moore, of J.	Shotwell	Weissinger—33.
Beck	Harrison	Moore, of Mar.		

Those who voted for Mr. Harrison, are,

Mr. Armstrong	Smith	Dennis	Jackson	Oliver
Bibb	Sullivan	Fluker	Lister	Phillips
Casey	Ashley	Gayle	M'Connico	Pickett
Coats	Crenshaw	Hallett	Merriwether	Salter
Devereux	Creagh	Harvey	M'LeMore	Sims—27.
Murphy	Dale			

Those who voted for Mr. Carroll, are,

Mr. Crabb	Shackelford	Goodhue	Mead	Perkin
Moore	Wood	Jones	M'Laughlin	Smith
Powell	Brown	Mardis	Martin	Young—18.

No one having a constitutional majority, the two Houses proceeded to the election of an adjutant general.

The same persons being in nomination, the votes stood thus :

For Mr. Welbourn,	40.
Mr. Harrison,	25.
Mr. Carroll,	11.

Mr. Welbourn having the constitutional majority, the speaker thereupon declared him duly elected the adjutant general of the state of Alabama, for the ensuing four years.

Those who voted for Mr. Wellbourn, are,

Mr. President	Brown	Hill, of Bibb,	Moore, of Mar.	Shotwell
Conner	Barclay	Harrison	Mead	Sargent
Hopkins	Fields	Haines	M'Laughlin	Skinner
M'Camy	Fitts	King	Manley	Smith
Metcalf	Fleming	Lanier	Miller	Tindall
M'Vay	Goodhue	M'Vay	Philpott	Vining
Mr. Speaker	Hallett	Moore, of Mad.	Powell	Whitaker
Beck	Hill, of T.	Moore, of J.	Peyton	Weissinger—40.

Those who voted for Mr. Harrison, are,

Mr. Bibb	Smith	Dale	Jackson	Oliver
Casey	Sullivan	Dennis	Lister	Phillips
Coats	Ashley	Fluker	M'Connico	Pickett
Devereux	Crenshaw	Gayle	Merriwether	Salter
Murphy	Creagh	Harvey	M'LeMore	Sims—25.

Those who voted for Mr. Carroll, are,

Mr. Armstrong	Powell	Wood	Mardis	Perkins
Crabb	Shackleford	Jones	Martin	Young—11.
Moore				

The two Houses then proceeded to the election of a quarter-master-general of the state of Alabama.

Matthew D. Thomason, William Peacock and Jephtha V. Isbell, being in nomination, the votes stood thus :

For Mr. Thomason,	34.
Mr. Peacock,	22.
Mr. Isbell,	20.

Those who voted for Mr. Thomason, are,

Mr. Casey	Wood	Goodhue	Manly	Shotwell
Conner	Brown	Harvey	Oliver	Sargent
Devereux	Barclay	Harrison	Phillips	Skinner
M'Camy	Crenshaw	Haines	Philpott	Smith
Metcalf	Fields	Moore, of Mad.	Powell	Whitaker
M'Vay	Fitts	M'Laughlin	Peyton	Weissinger—34.
Sullivan	Fluker	M'Vay	Salter	

Those who voted for Mr. Peacock, are,

Mr. Armstrong	Smith	Gayle	Lister	Moore, of J.
Bibb	Ashley	Hallett	Lanier	Mead
Crabb	Beck	Jackson	M'Connico	Miller
Moore	Dale	Jones	M'Lemore	Pickett—22.
Murphy	Dennis			

Those who voted for Mr. Isbell, are,

Mr. President	Shackleford	Hill, of T.	Moore, of Mar.	Sims
Coats	Mr. Speaker	Hill, of B.	Mardis	Tindall
Hopkins	Creagh	King	Martin	Vining
Powell	Fleming	Merriwether	Perkins	Young—20.

No one having a constitutional majority, the two Houses again proceeded to the election of a quarter master general.

The same persons being in nomination, the votes stood thus :

For Mr. Thomason, 37.

For Mr. Peacock, 22.

For Mr. Isbell, 17.

Those who voted for Mr. Thomason, are,

Mr. Casey	Brown	Harrison	Manly	Shotwell
Conner	Barclay	Haines	Oliver	Sargent
Devereux	Crenshaw	Jones	Phillips	Skinner
M'Camy,	Fields	King	Philpott	Smith
Metcalf	Fitts	M'Vay	Powell	Whitaker
M'Vay	Fluker	Moore of Mad.	Peyton	Weissenger—37.
Sullivan	Goodhue	Moore of Mar.	Salter	
Wood.	Harvey	M'Laughlin		

Those who voted for Mr. Peacock, are,

Mr. Armstrong	Murphy	Dennis	Lister	Moore of J.
Bibb	Smith	Gayle	Lanier	Mead
Crabb	Ashley	Hallett	M'Connico	Miller
Hopkins	Beck	Jackson	M'Lemore	Pickett—22.
Moore	Dale			

Those who voted for Mr. Isbell, are,

Mr. President	Mr. Speaker	Hill of B.	Martin	Tindall
Coats	Creagh	Merriwether	Perkins	Vining
Powell	Fleming	Mardis	Sims	Young—17.
Shackleford	Hill of T.			

No one having the constitutional majority, the two Houses again proceeded to the election of quarter master general.

The same persons being in nomination, the votes stood thus :

For Mr. Thomason, 45.

For Mr. Peacock, 18.

For Mr. Isbell, 13.

Mr. Thomason having a constitutional majority, the speaker there-upon declared him duly elected the quarter master general of the state of Alabama for the ensuing four years.

Those who voted for Mr. Thomason, are,

Mr. Bibb	Sullivan	Goodhue	Moore of Mad.	Powell
Casey	Wood	Harvey	Moore of Mar.	Peyton
Coats	Brown	Harrison	Mardis	Salter
Conner	Barclay	Haines	Mead	Shotwell
Devereux	Crenshaw	Jackson	M'Laughlin	Sargent
M'Camy	Creagh	Jones	Manly	Skinner
Metcalf	Fields	King	Oliver	Smith
M'Vay	Fitts	Merriwether	Phillips	Whitaker
Smith	Fluker	M'Vay	Philpott	Weissinger—45.

Those who voted for Mr. Peacock, are,

Mr. Crabb	Ashley	Gayle	M'Connico	Pickett
Hopkins	Beck	Hallett	M'Lemore	Sims—18.
Moore	Dale	Lister	Moore of J.	
Murphy	Dennis	Lanier	Miller	

Those who voted for Mr. Isbell, are,

Mr. President	Mr. Speaker	Bibb	Perkins	Young
Armstrong	Fleming	Martin	Tindall	Vining—13.
Shackleford	Hill of F.			

The two Houses then proceeded to the election of an attorney general of the state of Alabama.

Thomas White being the only person in nomination, the votes were,
For Mr. White, 75.

The speaker thereupon declared Mr. White duly elected the attorney general of the state of Alabama for the constitutional period.

Those who voted for Mr. White, are the same as in the election for secretary of state, except Mr. King, who failed to vote. Mr. Young, in addition to those who voted for secretary of state, voted for Mr. White.

The two Houses then proceeded to the election of a solicitor of the third judicial circuit.

Constantine Perkins being in nomination, and every member of both Houses voting for him, the speaker declared him duly elected the solicitor of the third judicial circuit for the constitutional term.

The two Houses then proceeded to the election of a solicitor for the fourth judicial circuit.

David Hubbard, Peter Martin and John White, being in nomination, the votes stood thus :

For Mr. Hubbard	35
For Mr. Martin	26
For Mr. White	14

Those who voted for Mr. Hubbard, are,

Mr. Bibb	Ashley	Fleming	Jackson	Phillips
Conner	Beck	Goodhue	King	Philpott
McCamy	Brown	Harvey	Lister	Peyton
McVay	Barclay	Hill of B.	Lanier	Pickett
Smith	Dale	Hill of T.	McLemore	Skinner
Wood	Dennis	Harrison	Maully	Vining
Mr. Speaker	Fields	Haines	Miller	Whitaker—35.

Those who voted for Mr. Martin, are,

Mr. Casey	Crough	Moore, of J.	Powell	Tindall
Crabb	Fluker	Moore, of Mar.	Salter	Weissinger---26.
Devereux	Gavle	Mardis	Sims	
Metcalf	McConnico	McLaughlin	Shotwell	
Murphy	Merriwether	Martin	Sargent	
Sullivan	Moore of Md.	Oliver	Smith	

Those who voted for Mr. White, are,

Mr. President	Hookins	Shackleford	Jones	Perkins
Armstrong	Moore	Fitts	McVay	Young—14.
Coats	Powell,	Hallett	Mead	

No one having a constitutional majority, the two Houses again proceeded to the election of a solicitor for the fourth judicial circuit.

The same persons being in nomination, the votes stood thus,

For Mr. Hubbard	40
For Mr. Martin	22
For Mr. White	12

Mr. Hubbard having a constitutional majority, the speaker thereupon declared him duly elected the solicitor for the fourth judicial circuit for the constitutional term.

Those who voted for Mr. Hubbard, are,

Mr. Bibb	Mr. Speaker	Fluker	Haines	Miller
Conner	Ashley	Fleming	Jackson	Phillips
Crabb	Beck	Goodhue	King	Philpott
McCamy	Brown	Hallett	Lister	Peyton

Murphy	Barclay	Harvey	Lanier	Pickett
M'Vay	Dale	Hill of T.	M'Lemore	Shotwell
Smith	Dennis	Hill of B.	Moore of Mad.	Skinner
Wood	Fields	Harrison	Mauly	Vining—40.

Those who voted for Mr. Martin, are,

Mr. Casey	Mr. Creagh	Moore of Mar.	Salter	Whitaker
Coats	Gayle	Mardis	Sims	Weissinger--22.
Devereux	M'Connico	M'Laughlin	Sargent	
Metcalf	Merriwether	Oliver	Smith	
Sullivan	Moore of J. Powell		Tindall	

Those who voted for Mr. White, are,

Mr. President	Moore	Fitts	Mead
Armstrong	Powell	Jones	Perkins
Hopkins	Shackleford	M'Vay	Young--12.

The two Houses then proceeded to the election of a solicitor for the fifth judicial circuit.

James G. Birney, Anderson Hutchison, James B. Craighead and Samuel B. Moore, being in nomination, the votes stood thus,

For Mr. Birney	24
For Mr. Hutchison	24
For Mr. Moore	16
For Mr. Mr. Craighead	11

Those who voted for Mr. Birney, are,

Mr. President	Shackleford,	Fleming	King	Miller
Armstrong	Mr. Speaker	Hallett	Lister	Phillips
Bibb	Creagh	Hill of T.	Lanier	Pickett
Conner	Dennis	Jackson	Moore of Mad.	Shotwell --21.
Hopkins	Fitts	Jones	Mead	

Those who voted for Mr. Hutchison, are,

Mr. Casey	Murphy	Brown	Merriwether	Philpott
Coats	M'Vay	Flaker	M'Vay	Sargent
Crabb	Smith	Gayle	Moore of Mar.	Skinner
Metcalf	Sullivan	Harrison	M'Laughlin	Weissinger--24
Moore	Wood	M'Connico	Martin	

Those who voted for Mr. Moore, are,

Mr. Devereux	Crenshaw	Hill, of B.	Peyton
M'Camy	Fields	M'Lemore	Salter
Mr. Ashley	Goodhue	Mardis	Whitaker
Barclay	Harvey	Oliver	Young--16.

Those who voted for Mr. Craighead, are,

Mr. M'Vay	Haines	Perkins	Tindall
Beck	Mauly	Sims	Vining--11.
Dale	Powell	Smith	

No person having a constitutional majority, the two Houses again proceeded to the election of a solicitor of the fifth judicial circuit.

The same persons being in nomination the votes were;

For Mr. Birney	29	For Mr. Hutchison	31
For Mr. Moore	4	For Mr. Craighead	11

Those who voted for Mr. Birney, are,

Mr. President,	Shackleford	Fleming	King	Oliver
Armstrong	Mr. Speaker	Hallett	Lister	Phillips
Bibb	Creagh	Hill of T.	Lanier	Pickett
Conner	Dale	Haines	Moore of Mad.	Salter
Hopkins	Dennis	Jackson	Mead	Shotwell--29.
Moore	Fitts	Jones	Miller	

Those who voted for Mr. Hutchison, are,

Mr. Casey	Sullivan	Goodhue	Moore of Mar.	Skinner
Coats	Wood	Harvey	Mardis	Smith
Crabb	Ashley	Harrison	M'Laughlin	Weissinger--31.
Metcalf	Brown	M'Connico	Martin	
Murphy	Crenshaw	Merriwether	Philpott	
M'Vay	Flaker	M'Lemore	Sims	
Smith	Gayle	M'Vay	Sargent	

Those who voted for Mr. Moore, are,
 Mr. M'Camy Barclay Fields Peyton—4.
 Those who voted for Mr. Craighead, are,
 Mr. Devereux Hill of B. Perkins Whitaker
 Powell Manly Tindall Young—11.
 Beck Powell Vining

No one having a constitutional majority, the two Houses again proceeded to the election of a solicitor for the fifth judicial circuit.

James G. Birney, Anderson Hutchison and James B. Craighead, being in nomination, the votes were,

3d vote, For Mr. Birney 40
 For Mr. Hutchison 36

Mr. Birney having a constitutional majority, the Speaker declared him duly elected Solicitor for the fifth judicial circuit, for the constitutional term.

Those who voted for Mr. Birney are,
 Mr. President Shackelford Fleming Lister Pickett
 Armstrong Mr. Speaker Hallett Lauder Perkins
 Bibb Beck Hill, of T. Moore, of Mad. Salter
 Conner Creagh Hill, of Bibb Mead Shotwell
 Devereux Dale Haines Miller Tindall
 Hopkins Dennis Jackson Oliver Vining
 Moore Fields Jones Phillips Whitaker
 Powell Fitts King Powell Young—40.

Those who voted for Mr. Hutchison are,
 Mr. Casey (Reps.) Harvey Mardis Skinner
 Coats Ashley Harrison M'Laughlin Smith
 Crabb Brown M'Connico Manly Weissinger—36.
 M'Vay Barclay Merriwether Martin
 Metcalf Crenshaw M'Lemore Philpott
 Murphy Fluker M'Vay Peyton
 M'Camy Gayle Moore, of J. Sims
 Wood Goodhue Moore, of Mar. Sargent

The two Houses then proceeded to the election of a judge for the third judicial circuit, to fill the vacancy created by the death of Henry Y. Webb, esquire.

John Gayle, Samuel Chapman, Thomas Owen and Isaac S. M'Means, being in nomination: the votes were—

For Mr. Gayle, 27.
 Mr. Chapman, 22.
 Mr. Owen, 20.
 Mr. M'Means, 5.

Those who voted for Mr. Gayle, are,
 Mr. Armstrong Crenshaw Harvey Merriwether Phillips
 Casey Creagh Haines M'Lemore Pickett
 Murphy Dale Jackson Mardis Shotwell
 Smith Fields Lister M'Laughlin Smith
 Ashley Fluker M'Connico Martin Weissinger—27.
 Beck Hallett

Those who voted for Mr. Chapman, are,
 Mr. President Moore Goodhue M'Vay Mead
 Bibb Shackelford Jones Moore of Mad. Miller
 Devereux Brown King Moore of J. Oliver
 Hopkins Fitts Lanier Moore of Mar. Young—22.
 M'Camy Fleming

Those who voted for Mr. Owen, are,
 Mr. Coats Powell Hill of T. Philpott Sargent
 Crabb Sullivan Hill of B. Perkins Skinner
 Metcalf Wood Harrison Salter Tindall
 M'Vay Dennis Manly Sims Vining—20.

Those who voted for Mr. M'Means, are,

Mr. Conner Barclay Powell Peyton Whitaker—5.

No person having a constitutional majority, the two Houses again proceeded to the election of a judge of the third judicial circuit.

John Gayle, Samuel Chapman and Thomas Owen being in nomination, the votes were :

The 2d vote—For Mr. Gayle, 28.
 Mr. Chapman, 29.
 Mr. Owen, 17.

Those who voted for Mr. Gayle, are,

Mr. Armstrong	Beck	Hallett	Merriwether	Martin
Casey	Crenshaw	Harvey	M'Lemore	Phillips
Murphy	Creagh	Haines	Mardis	Pickett
Smith	Dale	Jackson	M'Laughlin	Shotwell
Sullivan	Fields	Lister	Manly	Weissinger—28.
Ashley	Fluker	M'Connico		

Those who voted for Mr. Chapman, are,

Mr. President	Moore	Fleming	Moore, of Mad.	Powell
Bibb	M'Vay	Goodhue	Moore, of J.	Peyton
Conner	Shackleford	Jones	Moore, of Mar.	Smith
Devereux	Brown	King	Mead	Whitaker
Hopkins	Barclay	Lanier	Miller	Young—29.
M'Camy	Fitts	M'Vay	Oliver	

Those who voted for Mr. Owen, are,

Mr. Coats	Wood	Harrison	Salter	Skinner
Crabb	Dennis	Philott	Sims	Tindall
Metcalf	Hill, of T.	Perkins	Sargent	Vining—17.
Powell	Hill, of Bibb			

No person having a constitutional majority, the two Houses again proceeded to the election of judge of the third judicial circuit.

The same persons being in nomination, the votes were,

For Mr. Gayle, 36.
 Mr. Chapman, 31.
 Mr. Owen, 7.

Those who voted for Mr. Gayle, are,

Mr. Armstrong	Beck	Hallett	M'Connico	Phillips
Casey	Crenshaw	Harvey	Merriwether	Philpott
Coats	Creagh	Hill of B.	M'Lemore	Pickett
Metcalf	Dale	Harrison	Mardis	Sims
Murphy	Dennis	Haines	M'Laughlin	Shotwell
Smith	Fields	Jackson	Manly	Skinner
Sullivan	Fluker	Lister	Martin	Weissinger—36.
Ashley				

Those who voted for Mr. Chapman, are,

Mr. President	Moore	Fleming	Moore of mad.	Powell
Bibb	M'Vay	Goodhue	Moore of J.	Peyton
Conner	Shackleford	Jones	Moore of mar.	Smith
Crabb	Brown	King	Mead	Vining
Devereux	Barclay	Lanier	Miller	Whitaker
Hopkins	Fitts	M'Vay	Oliver	Young—31.
M'Camy				

Those who voted for Mr. Owen, are,

Mr. Powell	Hill of T.	Salter	Sargent	Tindall—7.
Wood	Perkins			

No person having a constitutional majority, the two Houses again proceeded to the election of a judge for the third judicial circuit.

The same persons being in nomination, the votes were,

For Mr. Gayle, 37.
 Mr. Chapman, 32.
 Mr. Owen, 5.

Those who voted for Mr. Gayle, are,

Mr. Armstrong	Beck	Harvey	Marriwether	Philpott
Casey	Crenshaw	Hill of B.	M'Lemore	Pickett
Coats	Creagh	Haines	Mardis	Sims
Metcalf	Dale	Harrison	M'Laughlin	Shotwell
Murphy	Dennis	Jackson	Manly	Sargent
Smith	Fields	Lister	Martin	Skinner
Sullivan	Fluker	M'Connico	Phillips	Weissinger--37.
Ashley	Hallett			

Those who voted for Mr. Chapman, are,

Mr. President	Moore	Goodhue	Moore of J.	Peyton
Bibb	M'Vay	Jones	Moore of mar.	Salter
Conner	Shackleford	King	Mead	Smith
Crabb	Brown	Lanier	Miller	Vining
Devereux	Barclay	M'Vay	Oliver	Whitaker
Hopkins	Fitts	Moore of Mad.	Powell	Young--32.
McCamy	Fleming			

Those who voted for Mr. Owen, are,

Mr. Powell	Wood	Hill of T.	Perkins	Tindall--5.
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No person having a constitutional majority, the two Houses again proceeded to the election of a judge for the third judicial circuit.

John Gayle, Samuel Chapman, Arthur P. Bagby, and Thomas Owen, Esquires, being in nomination, the votes were,

For Mr. Gayle,	44.
Mr. Chapman,	14.
Mr. Bagby,	10.
Mr. Owen,	5.

Mr. Gayle having a constitutional majority, the Speaker declared him duly elected the judge of the third judicial circuit.

Those who voted for Mr. Gayle, are,

Mr. Casey	Crenshaw	Harrison	Mead	Salter
Coats	Creagh	Haines	M'Laughlin	Sims
Metcalf	Dale	Jackson	Manly	Shotwell
Murphy	Dennis	Lister	Martin	Sargent
Smith	Fields	M'Connico	Miller	Skinner
Sullivan	Fluker	Marriwether	Phillips	Vining
Ashley	Hallett	M'Lemore	Philpott	Whitaker
Beck	Harvey	Moore of Mar.	Powell	Weissinger--44.
Barclay	Hill of B.	Mardis	Pickett	

Those who voted for Mr. Chapman, are,

Mr. Bibb	Moore	Brown	Lanier	Moore of J.
Crabb	M'Vay	Fleming	M'Vay	Peyton--14.
McCamy	Shackleford	Goodhue	Moore of Mad.	

Those who voted for Mr. Bagby, are,

Mr. President	Conner	Hopkins	Jones	Oliver
Armstrong	Devereux	Fitts	King	Smith--10.

Those who voted for Mr. Owen, are,

Mr. Powell	Wood.	Hill of T.	Perkins	Tindall--5.
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The two Houses then proceeded to the election of a judge of the county court of Bibb, to fill the vacancy created by the resignation of Andrew M. Lusk, Esquire.

Thomas Crawford and Littlepage Sims, Esquires, being in nomination, the votes were,

For Mr. Crawford,	56.
Mr. Sims,	11.

The Speaker thereupon declared Mr. Crawford duly elected the judge of the county court of Bibb county.

Those who voted for Mr. Crawford, are,

Mr. Hopkins	Sullivan	Brown	Dennis	Fleming
Metcalf	Wood	Barclay	Fields	Gayle
Murphy.	Mr. Speaker	Crenshaw	Fitts	Goodhue
M'Vay	Ashley	Creagh	Fluker	Hallett

Harvey	Lanier	Moore of Mar.	Peyton	Skinner
Hill of T.	M'Connico	M'Laughlin	Pickett	Smith
Hill of B.	Merriwether	Manly	Perkins	Tindall
Haines	M'Lemore	Miller	Salter	Vining
Harrison	M'Vay	Oliver	Sims	Whitaker
Jackson	Moore of Mad.	Philpott	Shotwell	Weissinger
King	Moore of J.	Powell	Sargent	Young—56.
Lister				

Those who voted for Mr. Sims, are,

Mr. President	Conner	M'Camy	Smith	Dale
Armstrong	Devereux	Moore	Beck	Phillips--11.
Bibb				

The two Houses then proceeded to the election of a judge of the county court of Perry county, to fill the vacancy created by the resignation of Charles J. Shackelford.

George C. King being the only person in nomination, the votes were,

For Mr. King, 68.

The Speaker thereupon declared him duly elected the judge of the county court of Perry county.

Those who voted for Mr. King, are,

Mr. President	Powell	Fluker	Merriwether	Picket
Armstrong	Smith	Fleming	M'Lemore	Perkins
Bibb	Sullivan	Gayle	M'Vay	Salter
Casey	Wood	Goodhue	Moore of Mad.	Sims
Coats	Mr. Speaker	Hallett	Moore of J.	Shotwell
Conner	Ashley	Harvey	Mardis	Sargent
Crabb	Beck	Hill of T.	Mead	Skinner
Devereux	Brown	Hill of B.	M'Laughlin	Smith
Hopkins	Barclay	Harrison	Miller	Tindall
M'Camy	Crenshaw	Haines	Oliver	Vining
Metcalf	Creagh	Jackson	Phillips	Whitaker
Moore	Dale	King	Powell	Weissinger
Murphy	Dennis	Lister	Peyton	Young—68.
M Vay	Fields	M'Connico		

The two Houses then proceeded to the election of a judge of the county court of Washington county, to fill the vacancy created by the resignation of Morrison Hunter.

William D. Gaines and John Johnston, Esquires, being in nomination, the votes were,

For Mr. Gaines. 35.

Mr. Johnston. 31.

The Speaker thereupon declared Mr. Gaines duly elected the judge of the county court of Washington county.

Those who voted for Mr. Gaines, are,

Mr. President	Hopkins	Crenshaw	Moore of J.	Peyton
Armstrong	Metcalf	Fleming	Mardis	Perkins
Bibb	Moore	Goodhue	Mead	Skinner
Coats	Powell	King	M'Laughlin	Smith
Conner	Sullivan	M'Lemore	Manly	Tindall
Crabb	Wood	M'Vay	Oliver	Vining
Devereux	Brown	Moore of Mad.	Powell	Young--35.

Those who voted for Mr. Johnston, are,

Mr. M'Camy	Dale	Harvey	Lister	Salter
Murphy	Dennis	Hill of T.	M'Connico	Sims
M'Vay	Fields	Hill of B.	Merriwether	Shotwell
Smith	Fluker	Harrison	Moore of Mar.	Sargent
Mr. Speaker	Gayle	Haines	Miller	Whitaker
Ashley	Hallett	Jackson	Phillips	Weissinger—31.
Beck				

The two Houses then proceeded to the election of a judge of the

county court of **Mobile**, to fill the vacancy created by the resignation of John C. Mitchell, Esquire.

Mr. William Hale being the only person in nomination, the votes were,

For Mr. Hale, 62.

The Speaker declared him duly elected the judge of the county court of Mobile.

Those who voted for Mr. Hale, are,

Mr. President	Smith	Goodhue	M'Vay	Pickett
Armstrong	Mr. Speaker	Hallett	Merriwether	Perkins
Bibb	Ashley	Harvey	Moore of Mad.	Salter
Coats	Beck	Hill of T.	Moore of J.	Sims
Crabb	Barclay	Hill of B.	Mardis	Shotwell
Devereux	Crenshaw	Haines	Mead	Sargent
Hopkins	Creagh	Harrison	Manly	Skinner
M'Canby	Dale	Jackson	Miller	Tindall
Metcalf	Dennis	King	Oliver	Vining
Moore	Fields	Lister	Phillips	Whitaker
Murphy	Fluker	M'Connico	Powell	Weissinger
M'Vay	Fleming	M'Lemore	Peyton	Young—62.
Powell	Gayle			

The two Houses then proceeded to the election of a judge of the county court of Decatur county, to fill the vacancy created by the resignation of Hezekiah Bayles.

Joseph B. Eason and James B. Robinson being in nomination, the votes were,

For Mr. Robinson, 34.

For Mr. Eason, 27.

Mr. Speaker thereupon declared Mr. Robinson duly elected judge of the county court of Decatur county.

Those who voted for Mr. Robinson, are,

Mr. Armstrong	Gayle	Merriwether	Martin	Shotwell
Casey	Goodhue	M'Vay	Phillips	Sargent
Devereux	Harvey	Moore of J.	Powell	Skinner
Hopkins	Harrison	Moore of Mar.	Peyton	Vining
Beck	Jackson	Mardis	Pickett	Whitaker
Brown	Lister	Mead	Perkins	Young—34.
Barclay	M'Connico	Manly	Salter	

Those who voted for Mr. Eason, are,

Mr. President	Smith	Dale	Hallett	Moore of Mad.
M'Canby	Sullivan	Dennis	Hill of B.	Miller
Moore	Mr. Speaker	Fields	Haines	Sims
Murphy	Ashley	Fluker	King	Tindall
M'Vay	Crenshaw	Fleming	M'Lemore	Weissinger—27.
Powell	Creagh			

The two Houses then proceeded to the election of a judge of the county court of Montgomery, to fill the vacancy created by the resignation of Nimrod E. Benson.

Peter Williamson, Esquire, being the only person in nomination, the votes were,

For Mr. Williamson, 56.

The Speaker thereupon declared Mr. Williamson duly elected judge of the county court of Montgomery.

Those who voted for Mr. Williamson, are,

Mr. President	Beck	Goodhue	McVay	Perkins
Armstrong	Brown	Hallett	Moore of J.	Salter
Casey	Barclay	Harvey	Moore of Mar.	Sims
Crabb	Crenshaw	Hill of T.	Mead	Shoifwell
Devereux	Creagh	Hill of B.	Manly	Sargent
Hopkins	Dale	Harrison	Miller	Skinner
McCamy	Dennis	Haines	Oliver	Tindall
Moore	Fields	Jackson	Phillips	Vining
Murphy	Flaker	McConnico	Powell	Whitaker
Smith	Fleming	Merriwether	Peyton	Weissinger
Mr. Speaker	Gayle	McLemore	Pickett	Young—56.
Ashley				

And then the Senate withdrew.

The House then adjourned till tomorrow morning, 10 o'clock.

Saturday, December 13.

Mr. Beck presented the petition of sundry inhabitants of Wilcox county, praying that a part of said county may be added to Butler.

Mr. Perkins presented the petition of John Boyce, praying that fifty per cent. may be refunded to him on purchases made on town lots in Cahawba; which petitions were severally read and referred, the first to the committee on county boundaries, and the latter to the committee of propositions and grievances.

Mr. Creagh presented the account of Abel H. Dubose; which was received, and referred to the committee on accounts.

Mr. Weissinger, from the select committee, to whom was referred a bill, to be entitled "An act to incorporate the town of Greensborough, in the county of Greene," reported the same with amendments; in which amendments the House concurred.

Ordered, That said bill be engrossed for a third reading on Monday next.

Mr. Jackson obtained leave to introduce a bill, to be entitled an act requiring security for the costs in any suit at law or in chancery.

Mr. Pickett obtained leave to introduce a resolution proposing an amendment to the 13th section and 5th article of the Constitution of the state of Alabama;

Mr. Beck obtained leave to introduce a bill, to be entitled an act to authorize William Black and his associates to erect a toll bridge over Gravelly Creek;

Mr. Miller obtained leave to introduce a bill, to be entitled an act respecting sheriffs and constables; all of which were severally read a first time, and ordered to be read a second time on Monday next.

A bill, to be entitled an act concerning executions and for other purposes, was read a second time.

Mr. Moore of Marion, moved that the further consideration of said bill be indefinitely postponed—which was lost.

Yeas 10.

Nays 43.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Crenshaw	Goodhue	Jackson	Merriwether	Mardis
Fitts	Haines	Lister	Moore, of Mar.	Weissinger.--10.
Those who voted in the negative, are,				
Mr. Speaker	Fleming	Lanier	Martin	Sargent
Ashley	Gayle	McConnico	Miller	Skinner
Beck	Hallett	McLemore	Powell	Smith
Brown	Harvey	McVay	Peyton	Tindall

Barclay	Hill of B.	Moore of Mad.	Pickett	Vining
Creagh	Hill of T.	Moore, of J.	Perkins	Whitaker
Dennis	Harrison	Mead	Salter	Young—43.
Fields	Jones	McLaughlin	Sims	
Fluker	King	Manly	Shotwell	

Ordered, That said bill be referred to a select committee.

Whereupon, Messrs. Manly, Martin, Perkins, Whitaker, and Gayle, were appointed said committee.

A bill, to be entitled "An act to revise in part and amend an act to regulate the proceedings in the courts of law and equity, in this state:—was read a second time.

Mr. Young moved that the further consideration of said bill be indefinitely postponed; which was carried.

Yeas 30

Nays 24

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fitts	Harrison	McLemore	Pickett
Ashley	Fluker	Haines	McVay	Sims
Brown	Fleming	Jackson	Mardis	Smith
Crenshaw	Gayle	Jones	Mead	Tindall
Creagh	Goodhue	McComico	McLaughlin	Weissinger
Dale	Hallett	Merriwether	Manly	Young--30.

Those who voted in the negative, are,

Mr. Beck	Hill of T.	Moore of Mad.	Powell	Sargent
Barclay	Hill of B.	Moore of J.	Feyton	Skinner
Dennis	King	Moore of Mar.	Perkins	Vining
Fields	Lister	Martin	Salter	Whitaker--24.
Harvey	Lanier	Miller	Shotwell	

Bills of the following titles, to wit:

An act to amend an act, entitled an act to establish a turnpike road leading from Lawrence, to intersect the military road at Pikesville in Marion county;

An act to amend an act passed at Huntsville the 16th Dec. 1819, entitled, an act to establish a public road therein named; were severally read a second time, and ordered to be engrossed for a third reading on Monday next.

A bill, to be entitled "An act concerning billiard tables;" was read a second time.

Mr. Fluker moved, That the further consideration of said bill be indefinitely postponed:—which was lost.—Yeas 25—Nays 23.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Beck	Fluker	King	Moore of J.	Sargent
Brown	Goodhue	McComico	Moore of Mar.	Shotwell
Dennis	Harvey	McLemore	McLaughlin	Skinner
Fields	Hill of B.	McVay	Powell	Vining
Fitts	Harrison	Moore of Mad.	Salter	Weissinger—25.

Those who voted in the negative, are,

Mr. Speaker	Fleming	Jones	Martin	Smith
Ashley	Gayle	Lanier	Miller	Tindall
Barclay	Hallett	Merriwether	Feyton	Whitaker
Crenshaw	Hill of T.	Mardis	Pickett	Young--23.
Creagh	Haines	Mead	Perkins	
Dale	Jackson	Manly	Sims	

The bill was then referred to a select committee, consisting of Messrs. Jackson, Hallett, Haines and Crenshaw.

A resolution from the Senate, respecting the further distribution of the laws of this state; was read a second time, and ordered to be read a third time.

Bill from the Senate, entitled "An act to provide for taking the census;" was read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

A bill, to be entitled an act for the sure and speedy trial of misdemeanors ; was read a second time.

Mr. Fleming moved, that the further consideration of said bill be indefinitely postponed :—which was lost.—Yeas 23—Nays 31.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Beck	Gayle	M'Connico	Manly	Sims
Crenshaw	Goodhue	Merriwether	Martin	Sargent
Creagh	Hill, of B.	Moore, of J.	Oliver	Tindall
Fluker	Haines	Moore, of Mar.	Pickett	Vining—23.
Fleming	Jackson	Mardis		

Those who voted in the negative, are :

Mr. Speaker	Hallett	Lanier	Miller	Shotwell
Ashley	Harvey	M'Lemore	Phillips	Shinner
Brown	Hill, of J.	M'Vay	Powell	Smith
Barclay	Harrison	Moore, of Mad.	Peyton	Whitaker
Dale	Jones	Mead	Perkins	Weisinger
Fields	King	M'Laughlin	Salter	Young—31.
Fitts				

Mr. Gayle moved that the further consideration of said bill be postponed till the first day of March next.

And then the House adjourned till Monday morning 10 o'clock.

Monday, December 15.

A message from the Senate, by Mr. Lyon their secretary :

Mr. Speaker—The Senate have passed bills, originating in their body, entitled “ An act allowing a certain salary to the judge of the county court of Mobile county ;”

An act for the relief of Thomas C. Jones ; and

A resolution providing more effectually for the trial of the writ of *quo warranto* now depending in the fifth judicial circuit, against the Planters' and Merchants' Bank of Huntsville ; in which they desire your concurrence.

They have also passed a resolution proposing General Andrew Jackson as a suitable candidate for President of the United States, which originated in your honorable body ; and

A memorial to Congress praying a donation of land for the seat of justice for the counties of Pike and Bibb ; which they have amended, and in which they desire your concurrence. And then he withdrew.

Ordered, That the House concur in the amendments made by the Senate to the said memorial.

Mr. Oliver presented the petition of Thomas Lloyd, praying the passage of a law to emancipate a negro slave named Nancy, and her two children ; which was received and referred to the committee on propositions and grievances.

Mr. Oliver, from the judiciary committee, to whom was referred the petition of Young A. Gray, reported a bill, to be entitled “ An act to authorize Young A. Gray to convey certain real estate therein named ;” which was read a first time, and ordered to be read a second time to-morrow.

A message from the Senate, by Mr. Lyon, their secretary :

Mr. Speaker—The Senate disagree to all the amendments made by your honorable body to the bill, entitled “ An act to provide for taking the census ;” except the amendment made in the 6th section. And then he withdrew.

Ordered, That this House insist on their amendment to the said bill.

Mr. Jones, from the military committee, reported a bill, to be entitled "An act to revise and amend an act, entitled an act to revise, consolidate and amend the several acts relative to the militia of this state;" which was read a first time, and ordered to be read a 2d time to-morrow.

Mr. Phillips, from the committee on schools, colleges and universities, and school and university lands, to whom was referred the bill, to be entitled "An act concerning the 16th sections of school lands in this state, Reported, that the committee had amended the said bill by striking out all after the enacting clause. And the question being taken on concurring in said amendment, it was decided in the affirmative—Yeas 38. Nays 14.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fields	Jackson	M'Laughlin	Sims
Ashley	Fitts	Jones	Oliver	Sargent
Beck	Fluker	Lister	Phillips	Skinner
Brown	Gavle	M'Comico	Philpott	Smith
Barclay	Goodhue	Merriwether	Peyton	Tindall
Craig	Harvey	Moore, of J.	Pickett	Whitaker
Dale	Hill, of T.	Moore, of mar.	Perkins	Weissinger—38.
Dennis	Hill, of Bibb,	Mead		

Those who voted in the negative, are,

Mr. Fleming	Lanier	Moore, of mad.	Powell	Vining-
Hallett	M'Leomore	Maudis	Salter	Young--14.
Harrison	M'Vay	Manley	Shotwell	

Mr. Fitts, from the joint committee on enrolled bills, Reported, that said committee had examined and found correctly enrolled bills of the following titles, to wit:

An act to establish the seat of justice in the county of Pike, and for other purposes;

An act to provide for contesting the elections of justices and constables;

An act for the relief of Cynthia Johnson;

An act to change the time of holding the county courts in Bibb and Pickens counties;

An act to amend an act, entitled an act for the government of the port and harbor of Mobile, passed 23d Dec. 1822;

An act to appoint commissioners for the counties of Perry and Mangoo, to sell and convey town lots at the towns of Marion and Linden, the seats of justice thereof, and to erect public buildings in the same;

An act to alter and amend the existing laws concerning strays; and,

An act supplementary to the laws respecting garuishment.

Mr. Oliver, from the judiciary committee, to whom was referred a resolution in relation to seamen employed in the service of merchants' vessels, reported a bill, to be entitled "An act in relation to seamen belonging to vessels in merchants' service;" which was read a first time, and ordered to be read a second time.

Mr. Mead obtained leave to introduce a bill, to be entitled "An act to prevent abuses in granting letters of administration;" which was read a first time, and ordered to be read a second time to-morrow.

On motion of Mr. Barclay, *Resolved*, That the judiciary commit-

tee be instructed to inquire into the propriety of passing a law authorizing all free white men living on Indian land within the jurisdiction of any county in this state, to a vote in all general elections the same as other citizens of the state; and also the propriety of requiring them to pay taxes the same as other citizens of the state; and likewise where judgment and execution against any such person before any court of record or justice of the peace of the county in which such person may live, that it shall be lawful for any lawful officer having such execution to levy on the property of such person wherever he may find it, within the jurisdiction of the county as aforesaid.

Mr. Fields obtained leave to introduce a bill, to be entitled "An act for the more easy and speedy administration of justice in certain cases;" which was read a first time, and ordered to be read a second time to-morrow.

Mr. Moore, of Jackson, from the select committee, to whom was referred a bill, to be entitled "An act to provide for the choosing of electors of President and Vice-President of the United States, reported said bill with sundry amendments.

Ordered, That said bill and amendments be recommitted to the same committee.

Ordered, That Mr. Gayle be added to said committee.

Mr. Manly obtained leave to introduce a bill, to be entitled "An act to incorporate the town of Florence in the county of Lauderdale;" which was read a first time, and ordered to be read a second time to-morrow.

A bill from the Senate, entitled "An act for the relief of Thomas C. Jones;" was read a first time, and ordered to be read a second time on to-morrow.

A bill from the Senate, entitled "An act to establish the bank of the state of Alabama;" was read a second time.

On motion of Mr. Gayle, *Ordered*, That the further consideration of said bill be referred to a committee of the whole House.

Mr. Gayle moved that the House do now resolve itself into a committee of the whole House on said bill, which was decided in the affirmative—Yeas 32, Nays 23.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Gayle	Merriwether	Phillips	Skinner
Beck	Harvey	M'Lemore	Powell	Vining
Brown	Haines	Moore of Mad.	Peyton	Whitaker
Creagh	King	Moore of Mar.	Salter	Weissinger—32.
Dennis	Lister	M'Laughlin	Sims	
Fields	Lanier	Miller	Shotwell	
Fluker	M'Connico	Oliver	Sargent	

Those who voted in the negative, are,

Mr. Speaker	Goodhue	Jackson	Mead	Smith
Barclay	Hallett	Jones	Manly	Tindall
Dale	Hill of T.	M'Vay	Philpott	Young—23.
Fitts	Hill of B.	Moore of J.	Pickett	
Fleming	Harrison	Mardis	Perkins	

The House accordingly went into committee of the whole House on said bill; and after some time passed in the consideration thereof, the committee rose; and Mr. Pickett, Reported, That the committee had had said bill under consideration; had made some progress therein; and asked leave to sit again;—which was accordingly granted.

And the House then adjourned till 4 o'clock this evening.

Evening, 4 o'clock.

A message from the Senate by Mr. Lyon, their secretary :

Mr. Speaker:—The Senate have passed the bill originating in your honorable body, entitled “An act regulating the licensing physicians to practice, and for other purposes therein named;” which they have amended, and in which amendments, they desire your concurrence.

They insist upon their disagreement to the amendments made by your honorable body, to the bill, entitled “An act to provide for taking the census.”

The House again resolved itself into a committee of the whole House, on the bill, from the Senate, entitled “An act to establish the bank of the state of Alabama;” and after some time spent in the consideration thereof, the committee rose, and,

Mr. Pickett reported the said bill without amendment; said bill being on its second reading.

Mr. Jackson moved to amend the 21st section of said bill by striking out the words “*reasonable time*;” where they occur in this manner “*and should the sum to which any county may be thus entitled be not applied for within a reasonable time*;” which was carried.

Mr. Jackson moved to fill the blank occasioned thereby, with the words “*sixty days*,” which was carried—Yeas 48—Nays 9.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fleming	Lanier	M'Laughlin	Salter
Ashley	Goodhue	M'Comico	Manley	Sims
Beck	Hallett	Merriwether	Martin	Shotwell
Brown	Hill, of T.	M'Leomore	Miller	Sargent
Barclay	Harrison	M'Vay	Oliver	Stinner
Crenshaw	Haines	Moore, of Mad.	Phillips	Smith
Crough	Jackson	Moore, of J.	Philpott	Tindall
Dale	Jones	Moore, of Mar.	Pickett	Whitaker
Dennis	King	Mardis	Perkins	Young—48.
Fitts	Lister	Mead		

Those who voted in the negative, are,

Mr. Fields	Gayle	Hill, of Bibb,	Peyton	Weissinger—9.
Floker	Harvey	Powell	Vining	

Mr. Jackson moved to amend the said 21st section by adding the following proviso thereto :

“*Provided, That the sum so appropriated to any county for which the inhabitants thereof may fail to apply within the time aforesaid, shall not be loaned to the inhabitants of any other county, for a longer time than ten months from the expiration of the said sixty days: and shall at the expiration of the said ten months from the date aforesaid, be paid to the bank; and when so paid to the bank, shall be reserved for the space of sixty days, to be loaned to the inhabitants of the county, that had failed as aforesaid to apply for the loan of the same: and this rule of reserving the sums apportioned among the several counties from discount for sixty days, except to the inhabitants of the county, entitled to preference in the discount of the same, and of loaning the same when not applied for by those so entitled, within said time to such preference, for a period not longer than ten months, shall be observed by the president and directors of the bank in each and every year;*” which amendment was lost.—Yeas 24—33.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Hill of T.	Jones	Mead	Philpott
Fitts	Hill of B.	M'Vay	Manly	Perkins
Fleming	Harrison	Moore of J.	Martin	Tindall
Goodhue	Haines	Moore of Mar.	Miller	Young—24.
Hallett	Jackson	Mardis	Oliver	

Those who voted in the negative, are,

Mr. Ashley	Dennis	Lanier	Powell	Sargent
Beck	Fields	M'Connico	Peyton	Skinner
Brown	Fluker	Merriwether	Pickett	Smith
Barclay	Gayle	M'Lemore	Salter	Young
Crenshaw	Harvey	Moore of Mad.	Sims	Whitaker
Creagh	King	M'Laughlin	Shotwell	Weissinger—27.
Dale	Lister	Phillips		

Mr. Perkins moved to amend the said 21st section by inserting therein between the words "General Assembly" and "and should," the following:

"And the president or cashier of the bank shall give notice in some public paper printed in the town in which the bank may be located, stating the amount that each county may be entitled to borrow, within ten days after the right to borrow, in manner aforesaid may arise."

Which amendment was adopted—Yeas 31. Nays 26.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Hallett	Lister	Mead	Pickett
Ashley	Hill of T.	M'Lemore	Manly	Perkins
Brown	Harrison	M'Vay	Martin	Smith
Dale	Haines	Moore of J.	Oliver	Tindall
Dennis	Jackson	Moore of Mar.	Phillips	Whitaker
Fleming	Jones	Mardis	Philpott	Young—31.
Goodhue				

Those who voted in the negative, are,

Mr. Beck	Fluker	Lanier	Miller	Shotwell
Barclay	Gayle	M'Connico	Powell	Sargent
Crenshaw	Harvey	Merriwether	Peyton	Skinner
Creagh	Hill of B.	Moore of Mad.	Salter	Young
Fields	Fitts	M'Laughlin	Sims	Weissinger—26.

Mr. Pickett moved to amend the 9th section and 2d article thereof, by striking out the word "six," for the purpose of inserting the word "eight;" which was lost.

Mr. Mardis moved the adoption of the following section:

"Sec.—. And be it further enacted. That it shall not be lawful for the president, directors, cashier, or other officers of said bank, to become endorsers at said bank for each other, or any other person or persons;" which was carried.

Mr. Young moved, at half past 6 o'clock, that this house adjourn till to-morrow morning, 10 o'clock; which was lost—Yeas 17. Nays 40.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Jones	Moore of Mad.	Mead	Perkins
Barclay	King	Moore of J.	Manly	Young
Goodhue	Lanier	Mardis	Philpott	
Harvey	M'Vay			

Those who voted in the negative, are,

Mr. Ashley	Fitts	Harrison	Martin	Sims
Beck	Fluker	Jackson	Miller	Shotwell
Brown	Fleming	Lister	Oliver	Sargent
Crenshaw	Gayle	M'Connico	Phillips	Skinner
Creagh	Hallett	Merriwether	Powell	Smith
Dale	Hill of T.	M'Lemore	Peyton	Tindall
Dennis	Hill of B.	Moore of Mar.	Pickett	Whitaker
Fields	Haines	M'Laughlin	Salter	Weissinger—49.

Mr. Young moved the adoption of the following section :

“ And be it further enacted, That nothing in the foregoing act shall be so construed as to authorize the legislature of the state of Alabama to invest any funds which may be set apart for the purposes of inland navigation, or for the promotion of education, in the bank stock of the state of Alabama ;” which was lost.

Yeas 3. Nays 54.

The yeas & nays being called for, those who voted in the affirmative, are,
Mr. Mead Martin Young—3.

Those who voted in the negative, are,

Mr. Speaker	Fluker	Jones	Mardis	Salter
Ashley	Fleming	King	McLaughlin	Sims
Beck	Gayle	Lister	Mauly	Shotwell
Brown	Goodhue	Lenier	Miller	Sargent
Barclay	Hallett	McConnico	Oliver	Skinner
Crenshaw	Harvey	Merriwether	Phillips	Smith
Creagh	Hill of T.	McLemore	Philpott	Tindall
Dale	Hill of B.	McVay	Powell	Vining
Dennis	Haines	Moore of Mad.	Penton	Whitaker
Fields	Harrison	Moore of J.	Pickett	Weisinger—54.
Fitts	Jackson	Moore of Mar.	Perkins	

And then the House adjourned till to-morrow morning, 10 o'clock.

Tuesday, December 16.

Mr. Hallett presented the petition of Nathaniel Littlefield and Gorham Davenport, attorneys in fact of the administratrix of Oliver Holman, deceased, of Boston, praying authority to sell the real estate of said intestate lying in the city of Mobile ; which was received and referred to a select committee, consisting of Messrs. Hallett, Harvey, McLemore, Fields and Salter.

Mr. Moore of J. presented the petition of Thomas Berry, tax collector of Jackson county in 1822 and 1823, praying that arrearages of taxes due in said county for 1821, and collected by him, may be paid by him into the treasury in Huntsville money ; which was received and referred to the committee of propositions and grievances.

Mr. Philpott presented the account of George Coalter ; which was received and referred to the committee on accounts.

Mr. Ashley, from the select committee, to whom was referred the petition of Jacob Dust, reported a bill, to be entitled an act to emancipate a certain slave therein named ; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Mead, from the committee on roads, bridges, ferries, &c. to whom was referred a resolution directing them to inquire whether that part of the present road law, which requires in all cases lands to be apportioned to the nearest road to which they reside, does not require alteration or amendment, reported a bill, to be entitled an act amendatory to the laws now in force respecting roads ; which was read a first time, and ordered to be read a second time to-morrow.

Ordered, That the House concur in the amendments made by the Senate to the bill, entitled an act to regulate licensing physicians to practise, and for other purposes therein named.

Ordered, That the Senate be acquainted therewith.

Ordered, That the House insist on their amendments to the bill, entitled “ An act to provide for taking the census.”

Ordered, That a committee of conference be appointed to meet and confer with such committee as may be appointed on the part of the Senate, in relation to the disagreement between the two Houses; Whereupon, Messrs. Phillips, Philpott, Gayle and Oliver, were appointed said committee.

A message was received from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have passed bills, originating in their House, of the following titles, to wit:

An act restricting officers from taking commissions on costs collected by them on executions; and

An act to establish the town of Carthage, in Tuscaloosa county: in both of which they desire your concurrence.

Mr. Moore, of Jackson, obtained leave to introduce a bill, to be entitled an act to compel parties to a suit who plead the loss of any instrument in writing, under which they claim a benefit, to make oath of the truth of such pleading; which was read a first time, and ordered to be read a second time to morrow.

Bills from the Senate, of the following titles, to wit:

An act restricting officers from taking commissions on costs collected by them on executions;

An act to establish the town of Carthage, in Tuscaloosa county;

An act allowing a certain salary to the judge of the county court of Mobile county;

Resolution, providing more effectually for the trial of the writ of quo warranto, now depending in the fifth judicial circuit against the Planters' and Merchants' Bank of Huntsville; were severally read a first time, and ordered to be read a second time.

The House resumed the consideration of a bill, entitled "An act to establish the Bank of the State of Alabama," being still on its second reading.

Mr. Haines offered the following amendment at the end of the third section:

"*Provided*, That nothing in this section shall be so construed, as to deprive the Legislature of this state of the power of appropriating, from time to time, both the principal and interest of the said three per cent, agreeably to the terms of the grant thereof made by Congress as aforesaid;" which amendment was lost—Yeas 19, Nays 34.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Haines	Moore of J.	Martin	Perkins
Fitts	Jackson	Moore of Mar.	Miller	Smith
Fleming	Jones	Mead	Mardis	Young—19.
Goodhue	M'Vay	Manly	Philpott	

Those who voted in the negative, are,

Mr. Ashley	Dennis	Hill of B.	Phillips	Sargent
Beck	Fields	Harrison	Powell	Skinner
Brown	Fluker	Lister	Peyton	Tindall
Barclay	Gayle	M'Connico	Pickett	Vining
Crenshaw	Hallett	Merriwether	Salter	Whitaker
Creagh	Harvey	M'Lemore	Sims	Weissinger—34.
Dale	Hill of T.	M'Laughlin	Shotwell	

Mr. Creagh offered the following proviso, as an amendment to the 21st section:

"*Provided*, That the sum so appropriated to any county for which the inhabitants thereof may fail to apply within the time aforesaid, shall be so

loaned as to be paid into the bank on the first day of January thereafter, and remain in the bank for fifteen days, subject to the application of the citizens of such county or counties as have not yet received their proportion of discounts in the bank; and this rule of reserving and apportioning discounts to each county, shall be observed by the president and directors of the bank in each and every year hereafter:" which amendment was adopted.

Mr. Creagh moved further to amend said bill, by inserting in the ninth section and second rule, after the word "stock," these words, "and not more than two thirds of its value;" which was adopted.

Mr. Jackson moved to amend the said bill by striking out the proviso from the 16th section: which was lost—Yeas 18, Nays 37.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Harvey	M-Vay	Manly	Philpott
Fitts	Haines	Moore of J.	Martin	Tindall
Fleming	Jackson	Mardis	Miller	Young—18.
Goodhue	Jones	Mead		

Those who voted in the negative, are,

Mr. Ashley	Gayle	McConnico	Phillips	Shotwell
Beck	Hallett	Merriwether	Powell	Sargent
Brown	Hill of T.	McLemore	Peyton	Skinner
Barclay	Hill of B.	Moore of Mad.	Pickett	Smith
Crenshaw	Harrison	Moore of Mar.	Perkins	Vining
Dennis	King	McLaughlin	Salter	Whitaker
Fields	Lister	Oliver	Sims	Weissinger—37.
Floker	Lanier			

Ordered, That said bill be read a third time to-morrow.

And then the House adjourned till 3 o'clock this evening.

Evening, 3 o'clock.

Mr. Phillips, from the select committee, to whom was referred a bill, to be entitled "An act to provide for the choosing electors of President and Vice President of the United States," reported a new bill of the same title, as a substitute therefor; in which report the House concurred. *Ordered*, That said bill be engrossed, and be read a third time to-morrow.

An engrossed bill, entitled an act to divorce Mary H. Judge, from her husband, William Judge, was read a third time, and passed by the constitutional majority—Yeas 37, Nays 11.

Those who voted in the affirmative, are,

Mr. Speaker	Fleming	King	Martin	Perkins
Ashley	Gayle	Lister	Miller	Sims
Beck	Goodhue	Merriwether	Oliver	Shotwell
Brown	Hallett	Moore of J.	Phillips	Smith
Barclay	Harvey	Moore of Mar.	Philpott	Vining
Crenshaw	Hill of B.	Mardis	Peyton	Whitaker
Creagh	Haines	Mead	Pickett	Weissinger—37.
Dale	Jackson			

Those who voted in the negative, are,

Mr. Dennis	Harrison	M-Vay	Salter	Skinner
Fitts	McLemore	Powell	Sargent	Tindall—11.
Hill of T.				

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have passed bills and a resolution, originating in your honorable body, of the following titles, to wit:

An act to alter the boundary line of Jefferson county ;

An act to authorize Sally B. Stevens, administratrix of H. W. Stevens, deceased, to sell real estate ; and

A resolution allowing to the solicitor of the first judicial circuit one hundred and fifty dollars, in addition to his present salary, for extra services rendered ; and have amended the latter, by adding thereto an additional section : in which amendment they desire your concurrence.

They have passed a bill, originating in their House, entitled an act to incorporate the Huntsville Library Company : in which they desire your concurrence.

They have appointed a committee of conference on their part, consisting of Messrs Casey, Moore and Murphy, to meet and confer with the committee appointed on the part of your honorable body, on the disagreement between the two Houses, in relation to the bill, entitled " An act to provide for taking the census." And then he withdrew.

An engrossed bill, entitled an act to divorce certain persons therein named, was read a third time.

The question being put, Shall this bill pass? there not being a constitutional majority, it was decided in the negative.

Yeas 29. Nays 22.

Those who voted in the affirmative, are,

Mr. Speaker	Gayle	Moore of Mad.	Miller	Perkins
Ashley	Goodhue	Moore of J.	Oliver	Smith
Brown	Harvey	Moore of Mar.	Phillips	Vining
Barclay	Haines	Mardis	Philpott	Whitaker
Crenshaw	King	Mead	Peyton	Weissinger—29.
Dale	Lister	Martin	Pickett	

Those who voted in the negative, are,

Mr. Beck	Fluker	Jones	M'Laughlin	Shotwell
Creagh	Hill of T.	Merriwether	Powell	Sargent
Dennis	Hill of B.	M-Lemore	Salter	Skinner
Fields	Harrison	M'Vay	Sims	Tindall—22.
Fitts	Jackson			

The House then took into consideration the amendment made by the Senate to the resolution, allowing the solicitor of the first judicial circuit one hundred and fifty dollars in addition to his present salary, for extra services performed.

Mr. Fluker moved to amend said amendment by striking therefrom the word " fifty ;" which was carried.

Mr. Perkins moved an amendment making it the duty of said solicitor to prosecute criminal cases in the county court of Mobile county ; which was adopted.

The amendment of the Senate was then adopted.

Mr. Oliver obtained leave to introduce a bill, to be entitled an act to amend the laws regulating judicial proceedings ;

Mr. Oliver obtained leave to introduce a bill, entitled an act to incorporate the town of Greenville, in the county of Butler ;

Mr. Mardis obtained leave to introduce a bill, to be entitled an act to lay out a certain road therein named ;

Mr. Harvey obtained leave to introduce a bill, to be entitled an act for the further organization of the militia in the counties of Pike and Covington :

All of which were severally read a first time, and ordered to be read a second time.

Mr. Crenshaw, from the select committee, to whom was referred

the petition of George Phillips and Caleb Tate, administrators of B. F. Woods, reported a bill, to be entitled an act to emancipate a certain slave named Letitia; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Vining presented the account of Daniel Rather, jailer of Madison county; which was received, and referred to the committee on accounts.

Mr. Pitts, from the joint committee on enrolled bills, reported that said committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to repeal in part and amend the act to establish a bank in the town of Mobile, passed on the 20th day of November, in the year 1818;

An act authorizing Matthew Harbeson, administrator of Samuel Harbeson, deceased, to make conveyance of a certain tract of land therein named;

An act amendatory to an act, entitled an act to provide for the printing of laws and journals, and for other purposes, passed Dec. 25. 1822;

An act to provide for the selecting a site for the seat of justice in Decatur county;

An act to compel defendants to bills of injunction to give bond and security before they shall have the benefit of executions on their judgments at law;

Resolution requiring the chairman of the committee on enrolled bills to preserve the engrossed copies of all acts and joint resolutions, and file them with the secretary of state.

And then the House adjourned till to-morrow morning, 10 o'clock.

Wednesday, December 17.

Mr. Mardis presented the petition of Julius Chamberlain, praying that in consideration of his bodily infirmities, he may be allowed to retail goods without tax, &c.

Mr. Haines presented the petition of Lynn McGee, a half breed Indian, praying that his children may be emancipated.

Mr. Vining presented the petition of Thomas Phillips, praying compensation for a negro man killed, while employed in the service of the state; which were received, read, and severally referred, the first to a select committee, consisting of Messrs. Mardis, Hill of T. and Harrison; the second to a select committee, consisting of Messrs. Haines, Gayle and Hallett; and the latter to the committee of propositions and grievances.

Mr. Hardwick, a member from St. Clair, appeared and took his seat.

Mr. Mead, from the committee on roads, bridges, ferries, &c. to whom was referred the petition of Jonathan Nelson, Reported, That the petitioner asks leave to withdraw his petition; which leave was granted.

Mr. Mead, from the same committee, to whom was referred the petition of sundry inhabitants of Wilcox, Reported, That the prayer of the petition is unreasonable, and ought not to be granted; in which report the House concurred.

Mr. Oliver, from the judiciary committee, to whom was referred

a bill, to be entitled an act to decide contested elections for Governor, and for other purposes, reported said bill without amendment.

Mr. Moore of J. from the committee on divorce and alimony, to whom was referred the record of the case of Drury Connally against his wife Nancy Connally, in the circuit court of Madison county; and also the record of the case of Jane Kelly against her husband James Kelly, in the circuit court of Autauga county, for divorces, respectively, reported bills of the following titles, to wit:

An act divorcing Drury Connally from Nancy Connally; and

An act divorcing Jane Kelly from her husband James Kelly; which were severally read a first time, and ordered to be read a second time.

Mr. Moore, from the same committee, to whom was referred the record of the circuit court of Madison county, in the case of Samuel Dixon against his wife Deborah Dixon, for a divorce, Reported. That they deem it inexpedient and improper to grant a divorce on said record.

Ordered, That the House concur in said report.

Mr. Moore, from the same committee, to whom was referred the record of Madison circuit court, in the case of Robert Blassingham against Elizabeth Blassingham for a divorce, Reported a bill, to be entitled an act divorcing Robert Blassingham from Elizabeth Blassingham; which was read a first time, and ordered to be read a second time.

Mr. Oliver, from the judiciary committee, to whom was referred the petition of the administrator and widow of George K. Smith, deceased, Reported, That the prayer of the petitioner is unreasonable, and ought not to be granted; in which report the House concurred.

Mr. Oliver, from the same committee, to whom was referred the resolution in relation to making it the duty of the solicitor of the first judicial circuit to attend the county courts of Mobile, Reported. That as there is a bill now in this House embracing that object, they ask to be discharged from the further consideration thereof.

Ordered, That the committee be discharged from the further consideration thereof.

Mr. Miller, from the committee of propositions and grievances, to whom was referred the petition of Thomas Lloyd, reported a bill, to be entitled an act to emancipate certain persons therein named; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Miller, from the same committee to whom was referred the petition of John Boyce, reported, that the prayer of the petition is unreasonable and ought not to be granted.

Ordered, That the House concur in said report.

Mr. Miller, from the same committee, to whom was referred the petition of B. S. Brumley; and also the petition of John Ingles, reported, that the prayer contained in said petitions respectively, is unreasonable and ought not to be granted. The former report was then laid on the table, and the House concurred in the latter.

Mr. Fitts, from the joint committee on enrolled bills, reported, that the committee had examined and found correctly enrolled, bills of the following titles, to wit: An act to establish the permanent seat of justice in the county of Shelby; An act to authorize Sally B. Stevens, administra-

trix of H. W. Stevens, deceased, to sell real estate ; An act to alter the boundary line of Jefferson county ; Memorial to Congress on the subject of pre-emption rights ; and, Resolutions proposing Gen. Andrew Jackson as a suitable candidate for President of the United States.

Ordered. That Mr. Phillips have leave of absence from this House for three days.

Mr. Fields offered the following resolution: *Resolved*, That this House will receive no new business after Saturday the 20th inst.

Resolved further, That with the concurrence of the Senate, this House will adjourn *sine die* on Tuesday the 23d inst.

On motion of Mr. Jackson, *Ordered*, That said resolutions lie on the table.

Mr. Hallett, from the committee on accounts, reported a bill to be entitled "An act making appropriations for certain claims against the state ; which was read a first time, and ordered to be read a second time.

Mr. Pickett, from the select committee, to whom was referred a resolution directing them to inquire into the expediency of allowing the digest to each of the sheriffs in this state, reported, a bill, to be entitled "An act to allow the several sheriffs of this state, one copy of the digest of the laws of the state of Alabama ; which was read a first time, and ordered to be read a second time.

Mr. Lanier obtained leave to introduce a bill, to be entitled "An act to amend the laws now in force in this state, for the punishment of the crime of horse stealing."

Mr. Gayle obtained leave to introduce a bill, to be entitled "An act to authorize Edward Smith, to establish a turnpike road therein mentioned ;"

Mr. Moore of J. obtained leave to introduce a bill, to be entitled "An act authorizing the Governor to direct a suit against the Huntsville Bank ;"

Mr. Haines obtained leave to introduce a bill, to be entitled "An act to repeal the fifth section of the act entitled an act amendatory to the laws now in force for the relief of insolvent debtors, passed June 16th, 1821 : which were severally read a first time, and ordered to be read a second time.

A message was received from the Governor, by Mr. Pleasants, secretary of state ; which he delivered in at the Speaker's table, and then he withdrew. The said message was in writing, and is as follows ;

Executive Department, Dec. 17th, 1823.

Gentlemen of the Senate and of the House of Representatives,

I have received the resignation of Henry Minor, esq. as a trustee of the University of Alabama.

ISRAEL PICKENS.

Mr. Haines obtained leave to introduce a bill to be entitled, "An act to repeal the 4th and 5th sections of an act, entitled an act to regulate elections, establishing certain precincts, in the counties therein named, and for other purposes, passed December 16th, 1819 ; which was read a first time, and the question being put, shall this bill be read a second time ? it was decided in the negative.

Mr. Jackson moved, that this House do now reconsider the vote given on yesterday on the passage of the bill, entitled "An act to divorce Tempy Williams, from her husband George Williams ;" which was carried.

The question was then put, "shall this bill pass?" and there being a constitutional majority in favor of its passage, it was decided in the affirmative,—Yeas 35—Nays 9.

Those who voted in the affirmative, are,

Mr. Speaker	Fleming	King	Manly	Perkins
Ashley	Gayle	Lister	Martin	Shawwell
Beck	Goodhue	Moore of Mad.	Miller	Smith
Brown	Hallett	Moore of J.	Oliver	Viney
Barclay	Harvey	Moore of Mar.	Philpott	Whitaker
Crenshaw	Haines	Mardis	Peyton	Weisinger
Dale	Jackson	Mead	Pickett	Young—35.

Those who voted in the negative, are,

Mr. Dennis	Fluker	Hill of T.	Jones	McLaughlin—9.
Fitts	Hill of B.	Harrison	Morrowether	

Ordered, That their title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker:—The Senate disagree to the amendment made by your honorable body to the "Resolution allowing to the solicitor of the first judicial circuit one hundred and fifty dollars in addition to his present salary for extra services performed, by striking out the word *"fifty,"* They concur in the amendments made by your honorable body to said resolution by an additional resolution.

They have passed bills which originated in their House of the following titles, to wit:

An act to repeal in part and amend an act, entitled an act supplementary to an act, to establish a State University, passed Dec. 18th, 1821;

An act to authorize the judge of the county court, and the commissioners of roads and revenue of Mobile county to levy an extra tax for the building a court house and jail in said county;

An act declaring Jackson's creek and Tatillabee creek, in Clarke county public highways;

An act to amend the charter of the Tombeckbe Bank; and,

An act to prevent fraudulent conveyances; in all of which they desire your concurrence.

They have also passed a bill, which originated in your honorable body, entitled, An act to amend an act entitled an act to establish a public road from Ditto's landing to Marston Mead's; and have amended the same by striking out all after the enacting clause and substituting therefor the accompanying section:—In which amendment they desire your concurrence.

They have adopted the following resolution: in which they also desire your concurrence: *Resolved*, That with the concurrence of the House of Representatives the two Houses of the General Assembly will convene in the Representative Hall on this day (the 17th inst.) at 3 o'clock, P. M. for the purpose of electing a state printer and a trustee of the University of Alabama, to supply the vacancy occasioned by the resignation of Henry Minor, esq. and then he withdrew.

Ordered, That this House insist on their amendment to the resolution allowing the solicitor of the first judicial circuit \$ 150 in addition to his present salary for extra services by him performed.

Ordered, That the clerk inform the Senate therewith.

Ordered, That this House concur in the amendment made by the

Senate, to the bill, entitled An act to amend an act to establish a public road from Ditto's Landing to Marston Mead's.

Ordered, That the clerk inform the Senate thereof.

Mr. Jackson moved to amend the resolution from the Senate proposing to go into the election of a state printer and trustee at three o'clock this evening, by striking out "three," and inserting "seven," which was carried.

The House then concurred in the resolution of the Senate thus amended.

Ordered, That the Senate be informed thereof.

A bill from the Senate, entitled An act to prevent fraudulent conveyances; was read a first time, and ordered to be read a second time.

A communication was received from the Governor accompanied by sundry documents, by Mr. Pleasants, secretary of state; which he delivered in at the Speaker's table, and then he withdrew.

The said communication was in writing, and is as follows:

Executive Department, December 17, 1823.

Gentlemen of the Senate, and of the House of Representatives,

I lay before you the annual report of the board of trustees of the University of Alabama, which they are required by law to make, respecting the "financial situation" of the corporation, accompanying which is a memorial which the board have directed to be presented to the General Assembly. In the two distinct propositions submitted in the memorial,

1st. Recommending a summary mode for enforcing collection of debts, and

2d. Proposing an amendment in the law, to allow entries after the next public sale for not less than the minimum price, all concur in their expediency.

In making this communication I feel it incumbent, as an executive duty, to submit to you a few remarks in relation to a most important branch of the trust which is committed to the corporation; and that is, so much as respects the land and its proceeds, granted to the state by Congress for a permanent endowment.

After very full meditation upon the fourth condition of the act of Congress granting this literary fund, and upon that section of our Constitution confiding its care with the General Assembly as the perpetual guardians for its improvement and its permanency, as well as for its faithful application; I entertain the most confident belief, that the trust is not only most sacred in its character, but also unalienable in the legislature—both instruments having very impressively *there* placed the trust. As regards, therefore, this branch of the corporate powers of the trustees, it must be always subordinate to the legislative will, and always liable to such change as the wisdom of the General Assembly may direct, and ought to be regarded as within your peculiar province. This fund being now without investment, and affording a seasonable occasion for interposing your counsels, I have thought it proper to submit the opinion here expressed, to prevent any supposed doubt on the subject which might be implied from any former communication.

I am, very respectfully, your most obedient servant,
ISRAEL PICKENS.

Cahawba, Dec. 16, 1823.

To the honorable the General Assembly of the State of Alabama,

The Board of Trustees have proceeded to offer for sale all the Lands of the University in conformity with the law of last session, except small

tracts at such places as might be deemed eligible sites for the location of the University. The report of their secretary, a copy of which is here with submitted, will place before you the account of those sales, including the quantity sold, the quantity remaining unsold, the amount of money received, and the amount of bonds for principal and interest of the instalments remaining unpaid. From which report it will be observed, that a large proportion of the lands offered, yet remain unsold—a re-exposure of which will be necessary. To avoid the expense of frequently advertising and attending sales, the Board have thought proper to recommend to your honorable body that a law be enacted authorizing entries to be made of such tracts as do not sell when again offered, under such regulations as may be adopted by the Board; provided that the minimum shall in no case be reduced, and that they shall, in other respects, conform to the conditions and restrictions imposed by the existing law. The Board regret that it is not in their power to furnish an account of all dues for rents; some lands having been subsequently rented out by the superintending Trustees, that could not be rented when publicly offered; the returns of which have not yet been received. They will also remark, that of the debts of this description, many of those contracted previous to the formation of this Board, are due from persons who are unable to discharge them. To guard more effectually against future losses from this cause, they would respectfully recommend the enactment of such laws as you may deem expedient for the more speedy and certain collection of all debts due on account of the University.

The report of the secretary will acquaint your honorable body fully, with the amount of all disbursements which have been authorized, including those which had been authorized by the General Assembly, and such as have been subsequently ordered by the Board since its organization.

The Trustees have yet made no investment of the funds entrusted to them, farther than to require of their agents an exchange of the notes of banks received by them when practicable without loss for specie or the notes of the Bank of the United States; which has in part been effected, or is in progress, and this yet remains in their hands. The Treasurer has, however, submitted his bond with such security as the Board deemed sufficient, and will hereafter afford a safe deposite for the funds of the institution. The Board have in contemplation, previous to their final adjournment, to provide for some permanent, secure, and profitable investment of the funds on hand, either in the stocks of the General Government or otherwise, according to law.

Your honorable body must be apprised that it has not been in the power of the Board to make any application of the funds to the construction of the necessary buildings for the University, in consequence of the failure on the part of the Legislature, to select a site at its last session, the propriety or policy of this delay they do not presume to question, and can only add, that they shall at all times hold themselves in readiness, and will with pleasure proceed to the discharge of this part of their duty, when it may be deemed expedient by the Legislature to make such selection.

By order of the Board of Trustees of the University of Alabama.

ISRAEL PICKENS, *President of the Board.*

Ordered, That said communication, with its accompanying documents, be referred to a select committee: Whereupon, Messrs. Oliver, Phillips, Jackson, Harrison and Mardis, were appointed said committee.

Ordered, That sixty copies be printed for the use of this House.

The House then proceeded to the consideration of the bill, to be entitled an act to establish the Bank of the State of Alabama; said bill being on its third reading.

Mr. Jackson moved the adoption of the following amendment, by way of rider, at the end of the 23d section:

"And it shall require a majority of the whole number of votes given to make such location;" which was adopted.

And the question being put, Shall this bill pass? it was decided in the affirmative—Yeas 50. Nays 7.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fitts	Haines	Mardis	Salter
Asbley	Fluker	King	McLaughlin	Sims
Berk	Fleming	Lister	Miller	Shitwell
Brown	Gayle	Lozier	Oliver	Sargent
Barclay	Goodhue	McComico	Phillips	Skinner
Creshaw	Harvey	Merriweather	Philpott	Smith
Dale	Hallett	McLemore	Powell	Tindall
Craigh	Hill of T.	Moore of J.	Peyton	Vining
Dennis	Hill of B.	Moore of Mad.	Pickett	Whitaker
Feltis	Harrison	Moore of Mar.	Perkins	Weissinger--50.

Those who voted in the negative, are,

Mr. Jackson	McVay	Manly	Martin	Young--7.
Jones	Mead			

Ordered. That the clerk acquaint the Senate therewith.

A communication from the Governor by Mr. Pleasants, secretary of state, notifying this House that the Governor died, on this day, approve and sign.

An act to appoint commissioners for the counties of Perry and Marengo to sell and convey town lots, at the towns of Marion and Linden, the seats of justice thereof, and to erect public buildings in the same; An act to alter and amend the existing laws respecting strays; An act providing for contesting the elections of Justices of the Peace and Constables; An act supplementary to the laws respecting garnishment; An act for the relief of Cynthia Johnston; An act to change the time of holding the county courts in Bibb and Pickens counties; An act to amend an act, entitled an act for the government of the port and harbor of Mobile, passed 23d Dec. 1822; and, An act to establish the seat of justice in the county of Pike, and for other purposes. All of which originated in the House of Representatives.

And then the House adjourned till 3 o'clock this evening.

Evening, 3 o'clock.

Engrossed bills from the Senate, of the following titles, to wit:

An act to repeal in part and amend an act, entitled an act supplementary to an act to establish a State University, passed December 18, 1821;

An act to amend the charter of the Tombeckbe Bank;

An act to authorize the judge of the county court and commissioners of roads and revenue of Mobile county, to levy an extra tax for the building a court house and jail in said county; and

An act to allow Henry Hitchcock compensation for superintending the printing the Digest, and making the index for the same; were severally read the first time, and ordered to be read a second time.

Bill from the Senate, entitled an act declaring Jackson's Creek and Tatillabee Creek, in Clarke county, public highways, was read a first time, and the question being put, Shall this bill be read a second time? it was decided in the negative.

A bill, to be entitled an act to decide contested elections for Governor, was read a second time.

Ordered, That said bill lie on the table.

Message from the Senate by Mr. Lyon, their secretary :

Mr. Speaker—The Senate concur in the amendment made by your honorable body, to the resolution proposing to go into the election of a state printer and a trustee of the University this evening at three o'clock, by striking out "three," and inserting "seven."

They recede from their disagreement to the amendment made by your honorable body to the resolution allowing the solicitor of the first judicial circuit \$150 in addition to his present salary, for extra services performed, by striking out the word "fifty."

They have passed a bill, originating in their House, entitled an act to allow Henry Hitchcock compensation for superintending the printing of the Digest, and making an index for the same : in which they desire your concurrence. And then he withdrew.

On motion of Mr. Phillips, the House took into consideration the bill, entitled an act to establish regular justices' courts in this state ; which was read a third time.

Mr. Fluker moved, that the further consideration of said bill be indefinitely postponed ; which was lost.

Yeas 21.

Nays 36.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Hill of T.	M'Connico	Moore of Mar.	Perkins
Fluker	Harrison	Merriwether	Mardis	Sims
Fleming	Jackson	M'Vay	Manly	Tindall
Gayle	Jones	Moore of J.	Martin	Young—21.
Goodhue				

Those who voted in the negative, are,

Mr. Ashley	Fields	Lister	Oliver	Shotwell
Beck	Fitts	Lanier	Phillips	Sargent
Brown	Hallett	M'LeMore	Philpott	Skinner
Barclay	Harvey	Moore of Mad.	Powell	Smith
Crenshaw	Hill of B.	Mead	Peyton	Vining
Creagh	Haines	M'Laughlin	Pickett	Whitaker
Dale	King	Miller	Salter	Weissinger--36.
Dennis				

Mr. Moore, of Jackson, moved the adoption of the following section, by way of engrossed rider : "And be it further enacted, that nothing in this act shall be so construed as to prevent either party from appealing from the court hereby established to the county or circuit court, under the same rules and restrictions that govern appeals from justices of the peace, to said courts ;" which amendment was adopted—Yeas 29, Nays 28.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Gayle	Jackson	Moore, of Mar.	Perkins
Barclay	Goodhue	Jones	Mardis	Sims
Creagh	Hallett	M'Connico	Mead	Tindall
Dale	Hill, of T.	Merriwether	Manley	Whitaker
Fluker	Hill, of Bibb	M'Vay	Martin	Young--29.
Fleming	Harrison	Moore, of J.	Philpott	

Those who voted in the negative, are,

Mr. Ashley	Fitts	M'LeMore	Powell	Sargent
Beck	Harvey	Moore, of Mad.	Peyton	Skinner
Brown	Haines	M'Laughlin	Pickett	Smith
Crenshaw	King	Miller	Salter	Vining
Dennis	Lister	Oliver	Shotwell	Weissinger--28.
Fields	Lanier	Phillips		

The question being put, shall this bill pass ? it was decided in the affirmative—Yeas 32, Nays 25.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Dennis	Lister	Phillips	Shotwell
Beck	Fields	Lanier	Philpott	Sargent
Brown	Fitts	M'Leomore	Powell	Skiuner
Barclay	Harvey	Moore, of Mad.	Peyton	Smith
Crenshaw	Hill, of T.	M'Laughlin	Pickett	Vining
Crough	Haines	Oliver	Salter	Weissinger--32.
Dale	King			

Those who voted in the negative, are,

Mr. Speaker	Hallett	Mardis	Moore, of J.	Perkins
Flinker	Hill of T.	Mead	Moore, of Mar.	Sims
Fleming	Harrison	M'Connico	Manly	Tindall
Gayle	Jackson	Merriwether	Martin	Whitaker
Godthue	Jones	M'Vay	Miller	Young--25.

Ordered, That the clerk acquaint the Senate therewith.

A communication was received from the Governor, by Mr. Pleasants, secretary of state; which he delivered in at the speaker's table, and then he withdrew. Said communication was in writing, and is as follows:

Executive Department, Dec. 17, 1823.

Gentlemen of the Senate and of the House of Representatives,

In conformity with a joint resolution, passed on the 31st day of Dec. 1822, requesting the Governor of this state to procure for the use of the General Assembly, a map of this state, &c. I have employed Ferdinand Sannoner of Florence, who has acted as a draftsman in the office of the Surveyor General, to prepare a Map of the description set forth in the said resolution. The Map has accordingly been furnished, and is in the Executive office, for the use and inspection of the General Assembly.

A portion of the materials for completion of the Map was not obtained by Mr. Sannoner in time to enable him to do full justice to the work. He proposes furnishing a perfect Map, on the same scale with the present one for the state at next session, in lieu of the present one.

No price was specified in the engagement with Mr. Sannoner. He consented to leave this question to the liberality of the General Assembly. In estimating the value of this work, I am confident you will do him full justice.

Your most obedient,

ISRAEL PICKENS.

Ordered, That said communication be referred to a select committee, consisting of Messrs. Jackson, Phillips and Pickett.

The House then adjourned till 7 o'clock this evening.

Evening—7 o'clock.

On motion of Mr. Young, *Resolved*. That a message be sent to the Senate, informing them that this House is now ready to receive them into the west end of the Representative Hall, for the purpose of going into the election of a state printer and a trustee of the University for the 5th judicial circuit.

Ordered, That the clerk acquaint the Senate therewith.

The Senate having repaired to the hall of the House of Representatives, the two Houses proceeded to the election of a state printer for the ensuing year.

William B. Allen and Jonathan Battelle being in nomination, the votes were:

For Mr. Allen, 58.

For Mr. Battelle, 14.

The Speaker thereupon declared Mr. Allen duly elected state printer for the ensuing year.

Those who voted for Mr. Allen, are,

Mr. Casey	Wood	Gayle	M'Lemore	Pickett
Coats	Mr. Speaker	Goodhue	M'Vay	Salter
Conner	Ashley	Harvey	Moore of Mad.	Sims
Crabb	Beck	Hill of T.	Moore of J.	Shotwell
Devereux	Brown	Hill of B.	Moore of Mar.	Sargent
M'Camy	Barclay	Harrison	M'Laughlin	Skinner
Metcalf	Crenshaw	Hardwick	Manly	Thaddeus
Moore	Creagh	King	Phillips	Vining
Murphy	Dale	Lister	Philpott	Whitaker
M'Vay	Dennis	Lanier	Powell	Weissinger
Smith	Fields	M'Connico	Peyton	Young--58.
Sullivan	Fluker	Merriwether		

Those who voted for Mr. Battelle, are,

Mr. President	Fitts	Jackson	Mead	Perkins
Armstrong	Fleming	Jones	Miller	Salter--14.
Hopkins	Hallett	Mardis	Oliver	

The two Houses then proceeded to the election of a trustee of the University of Alabama, for the fifth judicial circuit, to fill the vacancy created by the resignation of Henry Minor, Esquire.

David Moore, Isaac Jackson, John M. Taylor, and Francis Dancy, Esquires, being in nomination, the votes were,

For Mr. Moore,	29.
For Mr. Jackson,	18.
For Mr. Taylor,	9.
For Mr. Dancy,	18.

Those who voted for Mr. Moore, are,

Mr. President	Hopkins	Creagh	Merriwether	Shotwell
Armstrong	M'Camy	Dale	Moore of Mar.	Sargent
Casey	Murphy	Fluker	Mardis	Skinner
Coats	Shackleford	Fleming	Mead	Smith
Conner	Smith	Hallett	Oliver	Young--29.
Devereux	Crenshaw	Jones	Phillips	

Those who voted for Mr. Jackson, are,

Mr. Speaker	Fields	M'Connico	Miller	Salter
Ashley	Hardwick	M'Lemore	Peyton	Vining
Beck	King	Moore of Mad.	Pickett	Whitaker--18.
Dennis	Lanier	M'Laughlin		

Those who voted for Mr. Taylor, are,

Mr. Powell	Wood.	Gayle	Moore of J.	Weissinger--9.
Sullivan	Barclay	Harrison	Sims	

Those who voted for Mr. Dancy, are,

Mr. Crabb	Fitts	Hill of B.	Manly	Powell
Metcalf	Goodhue	Jackson	Martin	Perkins
M'Vay	Harvey	Lister	Philpott	Thaddeus--18.
Brown	Hill of T.	M'Vay		

No one having a constitutional majority, the two Houses again proceeded to the election of a trustee as aforesaid.

David Moore, Francis Dancy, and Isaac Jackson, Esquires, being in nomination, the votes were,

For Mr. Moore,	35.
For Mr. Dancy,	24.
For Mr. Jackson,	15.

Those who voted for Mr. Moore, are,

Mr. President	M'Camy	Creagh	Moore of Mad.	Shotwell
Armstrong	Murphy	Dale	Moore of Mar.	Sargent
Casey	Powell	Fluker	Mardis	Skinner
Coats	Shackleford	Fleming	Mead	Smith
Conner	Sullivan	Hallett	M'Laughlin	Vining
Devereux	Barclay	Jones	Oliver	Weissinger
Hopkins	Crenshaw	Merriwether	Phillips	Young--35.

Those who voted for Mr. Dancy, are,

Mr. Grabb	Fitts	Hill of B.	Moore of J.	Perkins
Metcalf	Gayle	Harrison	Manly	Sims
M'Vay	Goodhue	Jackson	Martin	Tindall
Wood	Harvey	Lister	Philpott	Whitaker—24.
Brown	Hill of T.	M'Vay	Powell	

Those who voted for Mr. Jackson, are,

Mr. Smith	Beck	Hardwick	McConnico	Peyton
Mr. Stender	Dennis	King	McLemore	Pickett
Ashey	Fields	Lamer	Miller	Salter—15.

No person having a constitutional majority, the two Houses again proceeded to the election of said trustee.

David Moore and Francis Dancy, Esquires, being in nomination, the votes were,

For Mr. Moore, 44.

For Mr. Dancy, 30.

Mr. Moore having a constitutional majority, the Speaker declared him duly elected a trustee of the University of Alabama, for the fifth judicial circuit, for the legal term.

Those who voted for Mr. Moore, are,

Mr. President	Parrell	Dale	Merriwether	Salter
Amisong	Shobleford	Fields	Moore of Mad.	Shotwell
Caley	Smith	Fluker	Mendis	Sargent
Couts	Stallman	Fleming	Mead	Skinner
Conger	Mr. Speaker	Hallett	McLaughlin	Smith
Devonoux	Ashey	Hardwick	Miller	Vining
Hopkins	Barclay	Jones	Oliver	Weissinger
McClary	Chishaw	King	Phillips	Young—44.
Murphy	Crough	McConnico	Peyton	

Those who voted for Mr. Dancy, are,

Mr. Grabb	Dennis	Hill of B.	M'Vay	Powell
Metcalf	Fitts	Harrison	Moore of J.	Pickett
M'Vay	Gayle	Jackson	Moore of Mar.	Perkins
Wood	Goodhue	Lister	Manly	Sims
Beck	Harvey	Lamer	Martin	Tindall
Brown	Hill of T.	McLemore	Philpott	Whitaker—30.

And then the Senate withdrew.

And then the House adjourned till to-morrow morning, 10 o'clock.

Thursday, December 18.

Mr. Mead, from the committee on roads, bridges, ferries, &c. to whom was referred the petition of Rodah Horton and his associates, reported a bill, to be entitled an act to authorize Rodah Horton and associates to construct a turnpike road therein named; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Oliver, from the judiciary committee, to whom was referred a resolution in relation to free white men living on the Indian land, within the jurisdiction of any county in this state, Reported, That there is no law in this state which will justify the managers of any election in allowing persons to vote, who are inhabitants of territory within the limits of this state, to which the Indian title is not extinguished. Also, that we have no power to require taxes of persons circumstanced as before mentioned; and that it is equally beyond the power of this legislature to authorize the measure of collecting debts of such persons as contemplated in the resolution.

Ordered, That the House concur in said report.

The Speaker laid before the House the memorial of Edward G. Terrell and John D. Terrell; which memorial is in the following words:

To the honorable the House of Representatives of the State of Alabama.

The memorial of Edward G. Terrell and John D. Terrell respectfully sheweth—that by a combination of simple mechanical principles (all of which has been tested for many years) they have perfected a model for the manufacture of Salt, it is believed not heretofore in use in any part of the world: Your memorialists make to the Legislature two distinct propositions; first, that the Legislature advance to your memorialists a sufficient sum to enable them construct such Salt works as will produce 24,000 bushels of Salt in one year, the sum of money so to be advanced, shall be well secured by good and sufficient security before paid over, and shall be repaid to the state in such reasonable time as the legislature may deem proper. The Salt thus made shall not be sold at the works for more than 70 cents per bushel, nor at any higher price in any part of the state, except the addition of reasonable freight, the well or wells shall be sunk sufficiently kerbed or walled. The necessary buildings put up in substantial style and the works left in such condition as will with certainty produce 24,000 bushels of salt within the time specified. On conditions like these your memorialists will accept a lease for ten years.

The 2d proposition is—that your memorialists will secure to the state of Alabama their patent for the manufacturing of Salt, for 14 years, free of charges. That the Legislature advance to your memorialists (upon their giving good security) a sum adequate to the completion of such Salt works as will produce 24,000 bushels in each year. If the works shall actually produce this quantity of merchantable Salt in each year, the money so advanced shall not be refunded, but a like sum, the proceeds of the works, shall go to the construction of other Salt works. The state (without expense) shall have one half the nett proceeds of all the Salt works, which may be put in operation by annual or semi annual payments, as the Legislature shall prescribe, and your memorialists the other half during the term of time aforesaid.

The price of salt, the improvements, the condition of the works at the end of the term, or any other stipulation which may occur, can be settled at the pleasure of the General Assembly. To afford this necessary article to the citizens of almost every part of the state on terms more favorable than can be afforded from any other part of the world, forms an object of the first consideration. The profits accruing from the occupation of those waters, will not arise from buying low and selling high, but solely from the extraordinary mode of manufacture.

It is believed that five thousand dollars will be sufficient to carry the works fully into operation, so as to produce for the state's part \$6,000 for every year they may be in operation, and after the expiration of the patent, the state will receive, free of charges, \$12,000 annually.

And here the House will please to indulge the remark, that to divert the progress of those waters, which for ages have been fruitlessly wandering to the ocean, thence deriving a strong and never failing revenue, presents an era in the fiscal relations of Alabama, which neither peace or war can affect. It is believed, therefore, that the wisdom and the patriotism of the House will at once distinguish whether this enterprise, seemingly bold and hazardous, be chimerical or based on principles perfectly tenable. If tenable, the results are correctly stated; if chimerical, we being bound by good security to refund, will have made the experiment at our own cost; the state can neither lose nor risk any thing, neither can the plan fail. Under a conscious conviction that your honorable body will determine on this question as in justice to the country belongs, your memorialists beg leave to express the peculiar pride they feel in presenting to this House the first and best fruits—the reflection of many years. All which is most respectfully submitted.

December 17, 1823.

EDWARD G. TERRELL,
JOHN D. TERRELL.

Ordered, That said memorial be referred to a joint committee, to act with such committee as may be appointed on the part of the Senate: Whereupon, Messrs. Mead, Gayle, Moore, of Marion, and Tindall, were appointed said committee.

Mr. Miller, from the committee on county boundaries, to whom was referred the petition of sundry inhabitants of Pickens county, reported a bill, to be entitled an act to fix permanently the seat of justice for Pickens county; which was read a first time, and ordered to be read a second time.

Mr. Gayle, from the select committee, to whom was referred a bill to be entitled an act regulating appeals in criminal cases, reported said bill with the following amendments.

1st—By striking out all of the second section after the word “record,” which is these words: “and in like manner if any judge shall, on the trial of any criminal, charge on matters of fact or argue thereon, farther than to recapitulate the statement of witnesses, such charge may, at the option of the defendant, be incorporated in a bill of exceptions, to be signed and sealed by the judge.”

2d—By striking out the words “*or tried de novo*” where they occur in this manner said person or persons shall be discharged “*or tried de novo*” according to the judgment of the supreme court;” and the question being put on concurring with the first amendment, it was decided in the affirmative—Yeas 31. Nays 19.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fleming	Lanier	Miller	Shotwell
Ashley	Goolbrie	Merriwether	Phillips	Sargent
Burclay	Harvey	M'Leamore	Philpott	Skinner
Dennis	Hall, of T.	Moore, of Mad.	Pickett	Tindall
Fields	Hall, of Bibb,	Moore, of Mar.	Perkins	Vining
Felts	Jackson	Maclis	Salter	Weissinger—31.
Flaker	Jones	M'Loughlin	Sims	

Those who voted in the negative, are:

Mr. Wood	Gayle	Lester	Manly	Peyton
Brown	Hardwick	M'Vay	Martin	Whitaker
Creeshaw	Harrison	Moore, of J.	Oliver	Young—19.
Dale	King	Mead	Powell	

Ordered, That said bill, with the second amendment be laid on the table.

A message from the Senate, by Mr. Lyon their secretary:

Mr. Speaker:—The Senate have passed a bill, which originated in your honorable body, entitled an act to vest in the judge of the county court and commissioners of roads and revenue of the county of Henry, a certain portion of land for county purposes; which they have amended by adding a proviso thereto: in which they desire your concurrence.

They have passed a bill, originating in their House, entitled an act for the foreclosure of mortgages; in which they also desire your concurrence.

They concur in all the amendments made by your honorable body, to the bill, entitled an act to establish the bank of the state of Alabama. And then he withdrew.

A communication was received from the Governor, by Mr. Pleasants, secretary of state, which communication was in writing, and is as follows:

EXECUTIVE DEPARTMENT, December 18, 1893.

Gentlemen of the Senate, and of the House of Representatives,

I have received this day the resignation of the Hon. Clement C. Clay, a judge of the supreme court, and presiding judge of the fifth judicial circuit.

ISRAEL PICKENS.

A further communication was received from the Governor, by Mr. Pleasants, secretary of state, notifying the House that the Governor did on this day approve and sign,

An act to authorize Sally B. Stevens, administratrix of Henry W. Stevens, deceased, to sell real estate ;

An act to establish the permanent seat of justice in the county of Shelby ; and

Memorial to Congress on the subject of pre-emption rights.

Mr. Mardis, from the select committee, to whom was referred the petition of Julius Chamberlin; reported a bill, to be entitled an act to permit Julius Chamberlin to vend goods in this state.

Mr. M'Connico, from the select committee, to whom was referred the petition of the inhabitants of Claiborne and its vicinity, reported a bill, to be entitled an act to incorporate the trustees of Claiborne Academy ; which bills were severally read a first time, and ordered to be read a second time to-morrow.

Ordered, That Mr. Gayle have leave of absence from this House for the remainder of the session, after to-morrow.

Mr. Mardis offered the following resolution: *Resolved,* That with the concurrence of the Senate, the members of both Houses do convene on Friday next, at the hour of 11 o'clock, A. M. for the purpose of selecting a site for the State University ; and that the Senate be informed thereof.

Mr. Martin moved that said resolution lie on the table ; which was carried—Yeas 24, Nays 20.

The yeas & nays being called for, those who voted in the affirmative, are

Mr. Speaker	Fields	Jackson	McLaughlin	Sargent
Ashley	Fluker	King	Martin	Skinner
Beck	Fleming	Lister	Miller	Tindall
Brown	Gayle	M'Connico	Oliver	Vining
Crenshaw	Harvey	Merriwether	Powell	Whitaker
Creagh	Hill, of T.	M'Lemore	Pickett	Weissinger—34.
Dale	Hardwick	M'Way	Salter	

Those who voted in the negative, are,

Mr. Barclay	Hill, of B.	Moore of J.	Manly	Perkins
Dennis	Harrison	Moore of Mar.	Phillips	Sims
Fitts	Jones	Mardis	Philpott	Shotwell
Goodhue	Lanier	Mead	Peyton	Young—20.

The House then adjourned till this evening 3 o'clock.

Three o'clock, P. M.

Mr. Martin obtained leave to introduce a bill, to be entitled an act to repeal in part and amend an act entitled an act to incorporate the town of Athens, in Limestone county, passed Nov'r. 19, 1818 ; which was read a first time, and ordered to be read a second time.

On motion of Mr. Pickett, *Resolved,* That the Governor be requested to communicate to this House, the substance of the contract with Henry Hitchcock, esquire, particularly as it related to the time when the printing of the Digest of the laws should commence ; and the time it would take to complete the same, under the contract entered into with Messrs. Ginn and Curtis.

Mr. Shotwell presented the account of J. W. Hooper ;

Mr. Hallett presented the account of Ebenezer Johnston, a cor-

oner; which were received, and severally referred to the committee on accounts.

Mr. Oliver, from the select committee, to whom was referred the report of the trustees of the University of Alabama, and the accompanying account of the secretary of the board: Reported bills of the following titles, to wit:

An act to authorize the president and trustees of the University of Alabama, to dispose of the lands belonging to said institution by admitting entries:

An act to prescribe the mode of collecting monies, due the university: which were severally read a first time, and ordered to be read a second time to morrow.

On motion of Mr. Jackson, the House took up the bill, to be entitled an act to regulate appeals in criminal cases.

Mr. Weissinger moved, that the further consideration of said bill be indefinitely postponed: which was carried.—Yeas 29. Nays 24.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Beck	Harvey	Merriwether	Peyton	Sargent
Brown	Hill of B.	McLaughlin	Pickett	Skinner
Fields	Hardwick	Moore of Mad.	Perkins	Vining
Fitts	King	Moore of Mar.	Salter	Whitaker
Fluker	Lister	Oliver	Sims	Weissinger—29.
Fleming	Lanier	Phillips	Shotwell	

Those who voted in the negative, are,

Mr. Speaker	Dale	Harrison	Mardis	Philpott
Ashley	Dennis	Jackson	McLaughlin	Powell
Burclay	Goodhue	Jones	Manly	Smith
Crenshaw	Hallett	McVay	Martin	Tindall—24.
Creagh	Hill of T.	Moore of J.	Miller	

Ordered, That this House concur in the amendment made by the Senate, to the bill, entitled an act to vest in the judge of the county court and commissioners of roads and revenue of Henry, a certain portion of land, for county purposes.

Bill from the Senate, entitled an act for the foreclosure of mortgages, was read a first time, and ordered to be read a second time.

A bill, to be entitled an act regulating the construction of contracts; was read a second time, and referred to a select committee consisting of Messrs. Jones, Perkins and Oliver.

A bill from the Senate, entitled an act to authorize Thos. Wright, to emancipate certain slaves therein named; was read a third time, and the question being put, shall this bill pass? it was decided in the negative. Yeas 24 Nays 29.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Fluker	Lanier	Philpott	Skinner
Burclay	Fleming	McVay	Peyton	Vining
Crenshaw	Hallett	Moore of Mad.	Pickett	Whitaker
Dale	Hardwick	Moore, of J.	Salter	Weissinger--24.
Dennis	King	Martin	Sims	

Those who voted in the negative, are,

Mr. Speaker	Goodhue	Jones	McLaughlin	Perkins
Beck	Harvey	Lister	Manly	Shotwell
Brown	Hill, of T.	Merriwether	Miller	Sargent
Creagh	Hill of B.	McLemore	Oliver	Smith
Fields	Harrison	Moore, of Mar.	Phillips	Tindall—29.
Fitts	Jackson	Mardis	Powell	

On motion of Mr. Pickett, *Resolved*, with the concurrence of the Senate, that the two Houses assemble in the Representative Chamber, on to morrow, at one o'clock P. M. for the purpose of electing a judge of the 5th judicial circuit.

And be it further resolved, that the west end of the House be set apart for their reception.

Ordered, That the clerk convey said resolution to the Senate.

A bill, to be entitled an act for the speedy trial of misdemeanors; was read a second time.

Mr. Manly moved, That the further consideration of said bill be indefinitely postponed; which was carried. Yeas 29, Nays 23.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Beck	Fitts	Jackson	Mardis	Salter
Brown	Flaker	Lister	Manly	Sims
Creunshaw	Goodhue	Merriwether	Martin	Smith
Creagh	Hallett	M. Lemore	Oliver	Tindall
Dale	Hill of T.	Moore of J.	Pickett	Vining—29.
Dennis	Hill of B.	Moore of Mar.	Perkins	

Those who voted in the negative, are,

Mr. Speaker	Harrison	McVay	Philpott	Skinner
Ashley	Hardwick	Moore of Mad.	Powell	Whitaker
Barclay	Jones	McLaughlin	Peyton	Wessinger—23.
Fields	King	Miller	Shotwell	
Harvey	Lanier	Phillips	Sargent	

Bill from the Senate, entitled an act to incorporate the Huntsville Library Company; was read a first time, and ordered to be read a second time to-morrow.

Bill from the Senate, entitled an act to divorce Samuel Payne, from his wife Elizabeth Payne; was read a third time, and ordered to lie on the table.

Bill from the Senate, entitled an act to divorce Doreas Walker, from her husband Noah Walker; was read a third time, and ordered to lie on the table.

On motion of Mr. Martin, the House took up the bill, entitled an act to divorce Kelly Steigall from his wife Nancy Steigall, in pursuance of the decree of the circuit court of Limestone county, exercising chancery jurisdiction; said bill being on its third reading, and the question being put, shall this bill pass? it was decided in the negative. Yeas 13 Nays 36.

Those who voted in the affirmative, are,

Mr. Ashley	Hallett	Mardis	Peyton	Whitaker—13.
Barclay	King	Miller	Perkins	
Goodhue	Moore, of J.	Oliver	Smith	

Those who voted in the negative, are,

Mr. Speaker	Fitts	Jones	Manley	Tindall
Beck	Flaker	Lister	Phillips	Vining
Brown	Fleming	Merriwether	Powell	Wessinger
Creagh	Harvey	M. Lemore	Salter	Young—36.
Creunshaw	Hill, of Bibb,	McVay	Sims	
Dale	Harrison	Moore, of Mad.	Shotwell	
Dennis	Hardwick	Moore, of Mar.	Sargent	
Fields	Jackson	McLaughlin	Skinner	

We whose names are hereunto subscribed having voted in the negative on the adoption of the Preamble and Resolutions relative to the selection of Gen. Andrew Jackson to the Presidency of the United States, avail ourselves of the constitutional privilege of spreading on the Journals, and thereby transmitting to our constituents, to the world and to posterity, our reasons for dissenting in opinion with gentlemen for whose political virtue and disinterested integrity, we entertain profound respect.

We neither condemn nor censure the opinion of those who voted in the affirmative; nor do we intend any detraction from the well earned character and splendid reputation of Gen. Andrew Jackson. We view him as a sound politician, a true republican and a firm friend to the rights of man.

But acting as we are, under all the moral obligations and solemnities of an oath, we offer to a candid and impartial public, the following reasons, to wit: 1st, We think the adoption of the said resolutions as contrary to the spirit and meaning of that part of the constitution which is in the words following: "The privilege of free suffrage, shall be supported by laws regulating elections, & prohibiting under adequate penalties, all undue influence thereon, from power, bribery, tumult or other improper conduct. Article 6th section 5th, all the rights and powers not granted to either of the departments of government, are reserved by the constitution to the people:" and no where in that instrument is power given to the legislature to determine by law, resolution or otherwise, who the people should vote for as President of these United States. We believe that by the adoption of those Resolutions, we go beyond the power committed, and transcend the trust delegated, by usurping authority and influence to effect an object not confided to us by our constituents.

2d, In our Legislative capacity, to give assistance to a candidate in obtaining an office, the highest within the gift of the people, is a species of electioneering much more dangerous to the government than the progressive electioneering of individuals for minor offices, which is so generally deprecated and dreaded.

3d, We have no general expression from our constituents authorizing the declarations contained in the resolution.

<i>Hardin Perkins</i>	<i>Z. Merriwether</i>
<i>John L. Tindall</i>	<i>Win. Fluker</i>
<i>Julius H. Sims</i>	<i>James H. Fitts</i>
<i>Samuel W. Oliver</i>	<i>Samuel Haines</i>
<i>John Beck</i>	<i>Geo. Weissinger</i>
<i>John W. Smith</i>	<i>J. D. Lister</i>
<i>John M. Laughlin</i>	<i>Geo. Phillips</i>
<i>Charles A. Dennis</i>	<i>W. W. McConnico</i>
<i>Isham Harrison</i>	

The House then adjourned till to-morrow 10 o'clock.

Friday, December 19.

Ordered, That Mr. Perkins be added to the joint committee appointed on the part of this House, upon, and to whom was referred the memorial of Edward G. Terrell and John D. Terrell.

Ordered, That Mr. Goodhue be added to the committee on inland navigation.

Mr. Shotwell presented the petition of John Massey, sheriff of St. Clair and administrator of Solomon Brigman; also the petition of Richard Dearmon, executor of Solomon Dearmon, praying both of them, that they may be authorized to sell the real estate of the intestate and testator; which were received and referred to the judiciary committee.

Mr. Perkins laid before the House sundry accounts; which were received and referred to the committee on accounts.

Mr. Barclay presented the accounts of sundry people; which were received and referred to the committee on accounts.

Mr. Jones offered the following resolution; *Resolved,* That this House will not receive any new business after Tuesday next.

Ordered, That said resolution lie on the table.

Mr. Moore of Mad. presented the petition of William Blake, praying that he may be allowed to emancipate his negro man named Jacob; which was received and referred to a select committee, consisting of Messrs. Moore of Mad. King and Vining.

Mr. Haines, from the select committee, to whom was referred the petition of Lynn M'Gee, reported a bill, to be entitled an act to emancipate the persons therein named; which was read a first time, and ordered to be read a second time.

Mr. Jones, from the joint committee appointed by this House, to inquire into the expediency of memorializing Congress upon the subject of establishing a district court of the United States in the northern section of Alabama, reported, a "resolution in relation to establishing a district court of the United States in the northern section of this state;" which was read a first time, and ordered to be read a second time to morrow.

Mr. Mead obtained leave to introduce a bill, to be entitled an act to authorize David Dickerson, Reuben Hays and William Hays, to emancipate certain negroes therein named;

Mr. Oliver obtained leave to introduce a bill, to be entitled an act to alter the time of holding the supreme court of Alabama;

Mr. Creagh obtained leave to introduce a bill, to be entitled an act to repeal certain acts therein named, and for other purposes; which were severally read a first time, and ordered to be read a second time.

An engrossed bill, entitled an act to divorce Sarah Ann Newman from her husband, Francis Newman; was read a third time; and the question being put, shall this bill pass? it was decided in the affirmative by the constitutional majority.—Yeas 40, Nays 10.

Those who voted in the affirmative, are,

Mr. Speaker	Fleming	King	Manly	Perkins
Ashley	Gayle	Lister	Martin	Sims
Brown	Goodhue	Merriwether	Miller	Shotwell
Barclay	Hallett	Moore of Mad.	Oliver	Smith
Creusshaw	Harvey	Moore of J.	Phillips	Vining
Creagh	Hill, of B.	Moore of Mar.	Philpott	Whitaker
Dale	Haines	Mardis	Peyton	Weissinger
Fields	Jackson	Mead	Pickett	Young—40.

Those who voted in the negative, are,

Mr. Beck	Fitts	Harrison	M'Vay	Powell
Dennis	Fluker	M'LeMore	M'Laughlin	Tindall—10.

Ordered, That the title be as aforesaid.

Ordered, That the same be sent to the Senate for their concurrence. Message from the Senate, by Mr. Lyon, their secretary.

Mr. Speaker:—The Senate concur in the resolution of your honorable body, proposing to go into the election of a judge of the fifth judicial circuit, on Thursday, at 1 o'clock P. M. and have amended the same by striking out "one" and inserting "seven;" in which amendment, they desire your concurrence.

They have appointed a committee on their part consisting of Messrs. Armstrong, Wood and Murphy, to join the committee appointed on the part of your honorable body on the memorial of Edward G. Terrell and John D. Terrell, and then he withdrew.

Ordered, That this House concur in the amendment made by the Senate to the said resolution.

Ordered, That the clerk acquaint the Senate therewith.

Bills of the following titles, to wit:

- An act divorcing Drury Connally from his wife Nancy Connally;
- An act divorcing Robt. Blassingam from his wife Elizabeth Blassingam;
- An act divorcing Jane Kelly from her husband James Kelly;
- An act to revise and amend an act entitled an act to revise, con-

solidate, and amend the several acts, relative to the militia of this state; were severally read a second time, and ordered to be engrossed for a third reading to-morrow.

An engrossed bill, entitled an act to divorce Margaret Toney from her husband Charles Toney; was read a third time and passed.

Yeas 36

Nays 8.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Hallett	Moore of J.	Phillips	Vining
Brown	Harvey	Moore of Mar.	Philpott	Whitaker
Barclay	Hill of B.	Mardis	Peyton	Weissinger
Crenshaw	Jackson	Mead	Pickett	Young---36.
Dale	King	Mundy	Perkins	
Fleming	Lister	Martin	Sims	
Gayle	Merriwether	Miller	Shotwell	
Goodhue	Moore of Mad.	Oliver	Smith	

Those who voted in the negative, are,

Mr. Beck	Fitts	Hardwick	Powell
Dennis	Fluker	McLemore	Tindall—8.

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

And then the House adjourned till 3 o'clock this evening.

Evening—3 o'clock.

A bill from the Senate, entitled an act for the relief of Thomas C. Jones; was read a second time, and ordered to be read a third time to-morrow.

Mr. Moore, of Jackson, moved to reconsider the vote given on yesterday, on the vote to postpone indefinitely the further consideration of a bill, to be entitled an act for the sure and speedy trial of misdemeanors; which was lost—Yeas 25, Nays 31.

The yeas & nays being called for, those who voted in the affirmative, are

Mr. Speaker	Harvey	Moore, of Mad.	Phillips	Sargent
Ashley	King	Moore, of J.	Philpott	Skinner
Brown	Lanier	Mead	Powell	Smith
Barclay	McLemore	McLaughlin	Peyton	Weissinger
Fields	McVay	Miller	Shotwell	Young—25.

Those who voted in the negative, are,

Mr. Crenshaw	Gayle	Haines	Moore, of Mar.	Perkins
Crenagh	Goodhue	Jackson	Mardis	Salter
Dale	Hallett	Jones	Manley	Sims
Dennis	Hill, of T.	Lister	Martin	Tindall
Fitts	Hardwick	McConnico	Oliver	Vining
Fluker	Harrison	Merriwether	Pickett	Whitaker—31.
Fleming				

Mr. Fitts, from the joint committee on enrolled bills, Reported, that said committee had examined and found correctly enrolled bills, of the following titles, to wit:

An act to establish a certain county therein named;

An act to regulate escheats in this state, and to appoint escheators;

An act to vest in the judge of the county court and commissioners of roads and revenue, of the county of Henry, a certain portion of land for county purposes;

An act to amend an act entitled an act to establish a public road from Ditto's Landing to Marston Mead's;

Resolution allowing to the solicitor of the first judicial circuit, one hundred and fifty dollars, in addition to his present salary, for extra services by him performed.

An engrossed bill, entitled an act to divorce certain persons therein named: was read a third time, and the question being put, shall this bill pass? it was decided in the negative—Yeas 1, Nays 54.

Mr. Martin voted in the affirmative.

Those who voted in the negative, are,

Mr. Speaker	Fluker	Jones	Mead	Salter
Ashley	Gayle	King	M'Laughlin	Sims
Beck	Goodhue	Lister	Manly	Sargent
Brown	Hallett	Lanier	Miller	Skinner
Barclay	Harvey	Merriwether	Oliver	Smith
Crenshaw	Hill, of T.	M'Lemore	Phillips	Tindall
Creagh	Hill, of B.	M'Vay	Philpott	Vining
Dale	Harrison	Moore, of Md.	Powell	Whitaker
Dennis	Hardwick	Moore, of J.	Peyton	Weissinger
Fields	Haines	Moore, of Mar.	Pickett	Young—51.
Fitts	Jackson	Mardis	Perkins	

A message from the Senate, by Mr. Lyon, their secretary :

Mr. Speaker—The Senate have passed a bill, originating in your honorable body, entitled an act to establish certain election precincts therein named, and for other purposes; to which they have made sundry amendments: in which they desire your concurrence.

Ordered, That this House concur in said amendments.

Mr. Harvey moved that the House do now reconsider the vote given on yesterday, on postponing indefinitely the further consideration of a bill, entitled an act regulating appeals in criminal cases; which was carried. *Ordered*, That 60 copies thereof be printed for the use of this House.

The Speaker, in an appropriate address to the House, after having made his grateful acknowledgements for the favor and kindness, resigned his office as speaker: Whereupon, Mr. Jackson being called to the chair, the House proceeded to the election of a speaker:

Whereupon, Samuel W. Oliver, esquire, one of the members from Conecuh, was duly elected, who being conducted to the chair made his acknowledgements in a suitable manner.

On motion of Mr. Gayle, *Resolved unanimously*, that the thanks of this House be tendered to the Hon. William I. Adair, for the able, impartial and dignified manner in which he has discharged the duties of speaker.

And then the House adjourned till 7 o'clock this evening.

Evening—7 o'clock.

On motion of Mr. Jones, *Resolved*, That the Senate be informed that this House is now ready to receive them to go into the election of a judge of the fifth judicial circuit; and that the west end of the Hall is assigned for their reception.

Ordered, That the clerk convey said resolution to the Senate.

Mr. Fitts, from the joint committee on enrolled bills. Reported, that said committee have examined, and found correctly enrolled a bill, entitled an act to establish the bank of the state of Alabama.

Mr. Mead obtained leave to introduce a bill, entitled an act to allow the administrators of Aaron Murphy, deceased, to convey a certificate therein named; which was read a first time, and ordered to be read a second time.

Mr. Vining presented the account of R. B. Purdom; which was received and referred to the committee on accounts.

The Senate having repaired to the Hall of the House of Representatives, the two Houses proceeded to the election of a judge for

the fifth judicial circuit, to fill the vacancy created by the resignation of the Honorable Clement C. Clay, Esquire.

Henry Minor and William I. Adair, being in nomination, the votes were,

For Mr. Minor,	40.
Mr. Adair,	35.

The Speaker thereupon declared Mr. Minor duly elected the judge of the fifth judicial circuit.

Those who voted for Mr. Minor, are,

Mr. President	Murphy	Dennis	McComico	Phillips
Bibb	Powell	Fierls	Merriwether	Perkins
Casey	Shackleford	Fitts	McLemore	Sims
Coats	Smith	Fluker	Moore of mar.	Shotwell
Conner	Sullivan	Hill of T.	Maudis	Sargent
Hopkins	Wood	Harrison	Mead	Skinner
Metcalf	Crenshaw	Jones	McLaughlin	Vining
Moore	Crengh	Lister	Martin	Weissinger—40.

Those who voted for Mr. Adair, are,

Mr. Armstrong	Beck	Harvey	McVay	Peyton
Crabb	Brown	Hill of B.	Moore of Mad.	Pickett
Dexteroux	Barclay	Hines	Moore of J.	Saher
McClamy	Dale	Hardwick	Mauls	Smith
McVay	Fleming	Jackson	Miller	Timball
Mr. Speaker	Goodhue	King	Philpott	Whitaker
Ashley	Hallett	Lanier	Powell	Young—35.

And then the Senate withdrew.

And then the House adjourned till to morrow morning, 10 o'clock.

Saturday, December 20.

Mr. Dale presented the petition of — Pool, praying authority to sell real estate; which was read, and referred to the committee of propositions and grievances.

Mr. Phillips, from the joint committee of conference appointed on the part of this House, to confer with the committee appointed on the part of the Senate, on the subject matter of disagreement between the two Houses on a bill, to be entitled an act to provide for taking the census, Reported, that said committee had had a meeting, and agree to recommend to their respective Houses—

1st. That the House of Representatives recede from their amendment to the first section of said bill, by striking out the enumeration of slaves.

2d. That they insist on their amendment to the first section, in striking out the words "be on oath and," and to the latter part of the second section, relative to the oath to be administered to heads of families.

3d. That the Senate recede from their disagreement to the amendment made by the House of Representatives, by striking out the 4th section.

4th. That the Senate adhere to their disagreement to the amendment made by the House of Representatives, in relation to the oath to be administered to heads of families.

Ordered, That the House concur in said report.

Ordered, That the Senate be informed thereof.

A bill from the Senate, entitled an act to repeal in part an act concerning divorce, passed the 21st Dec. 1820, was read a third time.

Mr. Jackson moved that the further consideration of said bill be indefinitely postponed; which was carried.

Yeas 28.

Nays 24.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Fleming	Heines	Mardis	Perkins
Ashley	Gayle	Jackson	Mead	Sims
Beck	Goodhue	Lister	Miller	Smith
Brown	Hallett	McConnico	Phillips	Vining
Creagh	Hill of T.	Merriwether	Philpott	Young—28.
Dale	Hill of B.	Moore of J.		

Those who voted in the negative, are,

Mr. Barclay	Fluker	McVay	Martin	Sargent
Crenshaw	Harvey	Moore of Mad.	Peyton	Skinner
Dennis	Harrison	Moore of Mar.	Pickett	Tindall
Fields	Lanier	M. Laughlin	Saher	Weissinger—24.
Fitts	McLemore	Manly	Shotwell	

An engrossed bill, entitled an act to amend an act, entitled act to provide for assessing & collecting the taxes of this state, passed Dec. 17, 1821, was read a third time, and ordered to lie on the table.

Bills of the following titles, to wit:

An act for the relief of Benjamin Hatch;

An act to authorize the administrators of Walter Otey, deceased, to sell certain real estate; were severally read a second time, and ordered to be engrossed for a third reading on Monday next.

Message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have passed bills, originating in their House, entitled,

An act appropriating fines and forfeitures accruing in Madison county, to the benefit of Greene Academy;

An act to amend an act, entitled an act to regulate the proceedings of the courts of law and equity in this state;

An act to alter the times of holding courts in the first, second, and sixth judicial circuits;

An act to authorize William E. Dupree to emancipate a certain slave named Billy: in all of which, they desire the concurrence of your honorable body. And then he withdrew.

Bills from the Senate of the following titles, to wit:

An act to authorize William E. Dupree to emancipate a certain slave named Billy;

An act to alter the times of holding courts in the first, second, and sixth judicial circuits;

An act to amend an act, entitled an act to regulate the proceedings in the courts of law and equity, in this state; and

An act appropriating fines and forfeitures accruing in Madison county, to the benefit of Greene Academy; were severally read a first time, and ordered to be read a second time.

Engrossed resolution, proposing certain alterations to the Constitution of the state of Alabama, were read a third time and passed.

Yeas 40.

Nays 15.

The yeas & nays being required, those who voted in the affirmative, are,

Mr. Ashley	Fitts	Jackson	Martin	Shotwell
Beck	Fluker	Lanier	Phillips	Sargent
Brown	Goodhue	McVay	Philpott	Skinner
Barclay	Hallett	Moore of Mad.	Powell	Smith
Crenshaw	Harvey	Moore of Mar.	Peyton	Vining
Dale	Hill of T.	Mardis	Pickett	Whitaker
Dennis	Hill of B.	Mead	Perkins	Weissinger
Fields	Harrison	Manly	Sims	Young—40.

Those who voted in the negative, are,

Mr. Speaker	Fleming	Lister	M'Lemore	Miller
Adair	Haines	McConnico	Moore of J.	Salter
Creagh	King	Merriwether	M'Laughlin	Tindall—15.

Ordered, That the clerk inform the Senate thereof.

Resolutions proposing alterations to the 13th section and 5th article of the Constitution of the State of Alabama, was read a second time, and ordered to be engrossed for a third reading on Monday next.

A bill, to be entitled an act to allow Henry Hitchcock compensation for superintending the printing the Digest of the statutes of this state, and making an index for the same, was read a second time.

Ordered, That the further consideration of said bill be postponed till Thursday next.

A bill from the Senate, entitled an act to allow Henry Hitchcock compensation for superintending the printing the Digest, and making an index for the same, was read a second time.

Mr. Gayle moved to amend the 2d section of said bill by striking out the words "one hundred and fifty;" which was carried.

Yeas 34.

Nays 23.

The yeas and nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fitts	Jackson	Moore of Mad.	Powell
Adair	Gayle	King	Moore of J.	Perkins
Ashley	Goodhue	Lister	Moore of Mar.	Smith
Barbey	Hallett	Louier	Mardis	Tindall
Creagh	Harvey	McConnico	Mead	Vining
Dale	Hill of T.	Merriwether	Masly	Whitaker—34.
Fields	Haines	M'Lemore	Martin	

Those who voted in the negative, are,

Mr. Beck	Fleming	M'Laughlin	Pickett	Sargent
Brown	Hill of B.	Miller	Salter	Skinner
Crenshaw	Harrison	Phillips	Sims	Weissinger
Dennis	Jones	Philpott	Shotwell	Young—23.
Fluker	McVay	Peyton		

Ordered, That said bill lie on the table.

Mr. Pickett obtained leave to introduce a bill, to be entitled an act to regulate the commissions of assessors and tax collectors in this state; which was read a first time, and ordered to be read a second time on Monday next.

On motion of Mr. Perkins, *Resolved unanimously*, That a committee be appointed to wait on the Honorable William I. Adair, former speaker of this House, and request him to permit the address made by him on his resignation of the chair, to be spread upon the journals of this House, and that he furnish a copy thereof for that purpose: Whereupon, Messrs. Perkins, Gayle and Jackson, were appointed said committee.

Mr. Philpott obtained leave to introduce a bill, to be entitled an act to abolish imprisonment for debt; which was read a first time.

Mr. Martin moved that the further consideration of said bill be postponed till the 10th day of January next; which was carried.

Yeas 38.

Nays 23.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Ashley	Fluker	Jackson	Phillips	Shotwell
Beck	Fleming	Jones	Peyton	Sargent
Crenshaw	Harvey	M'Lemore	Pickett	Skinner
Creagh	Hill of T.	Moore of Mar.	Salter	Tindall
Dennis	Hill of B.	Martin	Sims	Whitaker—28.
Fitts	Harrison	Miller		

Those who voted in the negative, are,

Mr. Speaker	Goodhue	M'Connico	M'Laughlin	Perkins
Brown	Hallett	M'Vay	Manly	Vining
Barclay	Haines	Moore of J.	Philpott	Weissenger
Fields	Lister	Mardis	Powell	Young—23.
Gardner	Laurier	Mead		

On motion of Mr. Goodhue, *Resolved*, That the select committee appointed to inquire into the claims of Henry Hitchcock in relation to the digest, be instructed to inquire into the claims of the representatives of Harry Toulmin, deceased, and report to this House on Monday next.

A bill from the Senate, entitled an act to authorize Rebecca Fletcher, to emancipate a certain slave therein named: was read a second time, and ordered to be read a third time on Monday next.

A bill, to be entitled an act to amend an act entitled, an act to incorporate the Indian Creek Navigation Company, passed at Cahowba, Dec. 21st, 1820; was read a second time, and ordered to be engrossed for a third reading on Monday next.

Mr. Philpott obtained leave to introduce a bill, to be entitled an act to prevent the imprisonment of females for debt; which was read a first time, and the rule being dispensed with, it was read a second time forthwith.

And then the House adjourned till 3 o'clock this evening.

Evening, 3 o'clock.

Ordered, That a bill to be entitled an act to prevent the imprisonment of females for debt, be engrossed for a third reading on Monday next.

Bills of the following titles, to wit:

An act to repeal in part, an act entitled an act declaring certain roads therein named public roads;

An act to alter the name of and legitimate a certain person therein named;

An act to repeal part of an act entitled an act to appoint commissioners for the counties of Covington and Pike, and for other purposes;

An act to authorize Young A. Gray, to convey certain real estate therein named: were severally read a second time, and ordered the first four to be engrossed for a third reading on Monday next, and the latter referred to a select committee, consisting of Messrs. Jones, Jackson and Powell.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker, the Senate concur in the report of the joint committee on the disagreement between the two Houses on the amendments to the bill entitled, an act to provide for taking the census. They concur in all the amendments made by your honorable body to the bill, entitled an act to establish regular Justices' courts in this state, except the amendment by striking out the 8th, 9th and 10th sections; and by striking out the word "three" in the 5th line of the 12th section and inserting in lieu thereof the word "twenty;" and also by striking out the word "twenty" in the 8th section, and inserting in lieu thereof the word "fifty," and then he withdrew.

A message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have adopted the following resolution; "*Resolved*, with the concurrence of the House of Representatives, that the Senate will convene in the Representative chamber, at the hour of 7 o'clock this day, for the purpose of locating the Bank of the state of Alabama," and then he withdrew. *Ordered*, that this House concur in said resolution.

Ordered, That the clerk inform the Senate thereof.

A communication from the Governor by Mr. Pleasants, secretary of state; notifying this House, that the Governor, did on this day approve and sign, an act to amend an act, entitled an act to establish a public road from Ditto's Landing to Marston Mead's; and a resolution allowing to the solicitor of the first judicial circuit, one hundred and fifty dollars in addition to his present salary for extra services by him performed; both of which originated in your honorable body, and he then withdrew.

Mr. Jackson moved, that the bill entitled an act to establish regular justices' courts in this state, be laid on the table; which was lost.

Yeas 25

Nays 32.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Adair	Hallett	Jones	Moore, of Mar.	Philpott
Fluker	Hill, of T.	M'Connico	Mardis	Perkins
Fleming	Harrison	Merriwether	Manly	Sims
Gayle	Haines	M'Vay	Miller	Tindall
Go. Pate	Jackson	Moore, of J.	Martin	Young---25.

Those who voted in the negative, are,

Mr. Speaker	Dale	Lister	Powell	Smith
Ashley	Dennis	Lanier	Peyton	Vining
Beck	Fields	Moore of Mad.	Pickett	Whitaker
Brown	Fitts	M'Leamore	Salter	Weissinger.--32.
Barclay	Harvey	Mead	Shotwell	
Crenshaw	Hill of B.	M'Laughlin	Sargent	
Creagh	King	Phillips	Skinner	

Ordered, That this House insist on their amendments to said bill in striking out the 8th, 9th and 10th sections thereof.

Ordered, That the Senate be acquainted therewith by the clerk.

The question being then put, shall this House recede from their amendment to the 12th section of said bill, in striking out the word "three," and inserting in lieu thereof the word "twenty;" and decided in the affirmative—Yeas 32, Nays 22.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fields	Lanier	Phillips	Shotwell
Ashley	Fitts	M'Leamore	Powell	Skinner
Brown	Fluker	Moore, of Mad.	Peyton	Smith
Barclay	Harvey	Mead	Pickett	Vining
Crenshaw	Hill, of Bibb	M'Laughlin	Salter	Whitaker
Dale	King	Miller	Sims	Weissinger—32.
Dennis	Lister			

Those who voted in the negative, are,

Mr. Adair	Goodhue	Jackson	Moore, of Mar.	Perkins
Beck	Hallett	M'Connico	Mardis	Sargent
Creagh	Hill, of T.	Merriwether	Manley	Tindall
Fleming	Harrison	Moore, of J.	Martin	Young--22.
Gayle	Haines			

The question was then taken on receding from the amendment made by this House, to the 5th section of said bill, by striking out the word "twenty," and inserting in lieu thereof, the word "fifty;" and decided in the affirmative—Yeas 40, Nays 17.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fields	King	Mead	Pickett
Adair	Fitts	Lister	M'Laughlin	Salter
Ashley	Gayle	Lanier	Martin	Sargent
Brown	Goodhue	M'Connico	Miller	Skinner
Barclay	Hallett	M'Leamore	Phillips	Smith
Crenshaw	Harvey	M'Vay	Philpott	Vining
Dale	Hill of B.	Moore, of Mad.	Powell	Weissinger
Dennis	Jones	Mardis	Peyton	Young--40.

Those who voted in the negative, are,

Mr. Beck	Hill, of T.	Merriwether	Manly	Shotwell
Creagh	Harrison	Moore, of J.	Perkins	Tindall
Fluker	Haines	Moore, of Mar.	Sims	Whitaker.—17.
Fleming	Jackson			

Ordered, That the clerk inform the Senate thereof.

A bill, to be entitled an act authorizing Claiborne Wright and his associates, to open a channel in a certain part of the Tennessee River, therein named; was read a second time.

Mr. Jackson moved to lay said bill on the table, which was carried—Yeas 23. Nays 27.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fitts	Haines	M'Lemore	Philpott
Brown	Fluker	Jackson	Mardis	Perkins
Barclay	Goodhue	Jones	Mead	Salter
Crenshaw	Hallett	Lister	Manly	Wadswinger
Creagh	Harvey	M'Connico	Miller	Young—23.
Dale	Harrison	Merriwether		

Those who voted in the negative, are,

Mr. Ashley	Hill, of T.	Moore of J.	Powell	Skinner
Beck	Hill, of B.	Moore of Mar.	Peyton	Smith
Dennis	King	M'Laughlin	Sims	Tindall
Fields	Lanier	Martin	Shotwell	Vining
Fleming	McVay	Phillips	Sargent	Whitaker—27.
Gayle	Moore of Mad.			

A message from the Senate by Mr. Lyon, their secretary :

Mr. Speaker—The Senate have passed bills, originating in their House, entitled an act to authorize the administrators of Isaac Edwards, deceased, to comply with the contracts made by their intestate, respecting his real estate ;

An act to incorporate the Limestone and Flint River Navigation Companies; and

An act establishing a certain county therein named : in which they desire your concurrence.

They have also passed bills, originating in your honorable body, entitled an act explanatory of the several acts now in force in this state, to suppress duelling, and have amended the same; in which amendment they desire your concurrence. And then he withdrew.

A bill, to be entitled an act providing for the collection of moneys to due counties and county taxes, was read a second time, and ordered to be engrossed for a third reading on Monday next.

A bill, to be entitled an act for improving the navigation of certain rivers therein named; was read a second time.

Mr. Gayle moved that the further consideration of said bill be indefinitely postponed: which was carried.

A bill, to be entitled, an act to amend the charter of the Planters' and Merchants' Bank of Huntsville, and to provide for the speedy resumption of specie payments thereby, was read the 2d time.

Mr. Manly moved that the further consideration of said bill be indefinitely postponed; which was lost—Yeas 10, Nays 46.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Fitts	Moore, of J.	Manly	Philpott	Shotwell
Harrison	Mardis	Miller	Sims	Tindall—10.

Those who voted in the negative, are :

Mr. Speaker	Barclay	Fields	Hallett	Jones
Adair	Crenshaw	Fluker	Harvey	King
Ashley	Creagh	Fleming	Hill, of T.	Lister
Beck	Dale	Gayle	Haines	Lanier
Brown	Dennis	Goodhue	Jackson	M'Connico

Merriwether	Moore of Mar.	Phillips	Perkins	Smith	Vining
M'Lemore	Mead	Powell	Salter	Whitaker	
M Vay	M Laughlin	Peyton	Sargent	Weissinger	
Moore, of Mad.	Martin	Pickett	Skinner	Young—46.	

The bill was then referred to a select committee, consisting of Messrs. Jackson, Manly, Miller and Fleming.

And then the House adjourned till 7 o'clock this evening.

7 o'clock, P. M.

On motion of Mr. Martin, *Resolved*, That the Senate be informed that this House is now ready to receive them in the west end of the Representative Hall, to proceed to the location of the State Bank.

Ordered, That the clerk convey said resolution to the Senate.

The Senate having repaired to the Hall of the House of Representatives, the two Houses proceeded to the location of the Bank of the State of Alabama, by voting as the constitution requires.

The Seat of Government, Florence, Tuscaloosa, and Mobile being in nomination, the votes were,

"For the Seat of Government"	42
Florence	- 19
Tuscaloosa	- 9
Mobile	- 6

The Speaker thereupon declared, that the Seat of Government was duly elected the place for the location of the Bank of the State of Alabama.

Those who voted for *The Seat of Government*, are,

Mr. Bibb	(Reps)	Dennis	M'Comico	Salter
Casey	Mr. Speaker	Fields	Merriwether	Sims
Coats	Adair	Fitts	M'Lemore	Shotwell
Conner	Ashey	Flicker	Moore, of Mar.	Sargent
Devereux	Beck	Gayle	M'Laughlin	Skinner
Metcalf	Bonday	Harvey	Milner	Vining
Murphy	Crenshaw	Hill, of Bibb	Phillips	Weissinger—42.
Smith	Creagh	Himes	Peyton	
Sullivan	Dale	Lister	Pickett	

Those who voted for Florence, are,

Mr. President	Mr. Fleming	King	Manly	Smith
Hopkins	Goodhue	M'Vay	Martin	Whitaker
McGooey	Jackson	Moore, of Mad.	Philpott	Young—19.
M'Vay	Jones	Mead	Powell	

Those who voted for Tuscaloosa, are,

Mr. Cabb	Wood	Hill of T.	Lanier	Tindall—9.
Powell	Brown	Harrison	Perkins	

Those who voted for Mobile, are,

Mr. Armstrong	Shackleford	Hallett	Moore, of J.	Mardis—6.
Moore				

And then the House adjourned till Monday morning, 10 o'clock.

Monday, December 22.

Mr. Phillips presented the petition of sundry inhabitants of Dallas county, praying that the road leading from Cahawba to Montgomery, may be changed from the present to the old route; also the petition of sundry inhabitants of Dallas, praying, that the road directed to be laid out between Cahawba and Line creek, may be continued and opened; which said petitions were received, read, and referred to the committee on roads, bridges and ferries.

Mr. Shotwell presented the petition of Adam Sheffield, praying that justices may not be allowed fees for the discharge of their duties; which was received, read, and referred to the judiciary committee.

Mr. Jones, from the select committee, to whom was referred the

consideration of a bill, entitled an act regulating the construction of contracts; reported said bill, without amendment.

Ordered, That said bill be read a second time to-morrow.

Mr. Fitts, from the joint committee on enrolled bills, reported, that said committee had examined, and found correctly enrolled, bills of the following titles, to wit:

An act to regulate the licensing physicians to practise, and for other purposes;

An act to establish certain election precincts therein named, and for other purposes.

Mr. Moore of Mad. from the select committee, to whom was referred the petition of William Blake; reported a bill, to be entitled an act to authorize William Blake to emancipate a negro man slave, named Jacob; which was read a first time, and ordered to be read a second time to-morrow.

Ordered, That the judiciary committee be discharged from the further consideration of a bill, entitled an act to repeal so much of an act, passed on the 15th day of December, 1821, as allows Samuel Dale for life, the half pay of a colonel in the army of the United States.

On motion of Mr. Fleming, resolved, that the standing committees be instructed to report on all subjects which have been referred to them, at as early a day as possible.

Mr. Martin moved, that this House do now reconsider the vote given on Saturday last, on insisting on the amendment made by this House to the bill, entitled an act to establish regular justices' courts in this state, in striking out the 8th section thereof, which was carried.

Yeas 31

Nays 22.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fitts	Moore of Mar.	Powell	Sargent
Ashley	Harvey	Mead	Peyton	Santer
Brown	Hill of B.	M'Laughlin	Philpott	Smith
Barclay	Lister	Martin	Pickett	Vining
Crenshaw	M'Le-nore	Miller	Salter	Whitaker
Dennis	Moore of mad.	Phillips	Shotwell	Weissinger—31.
Fields				

Those who voted in the negative, are,

Mr. Adair	Goodhue	Jackson	Moore of J.	Tindall
Creagh	Hallett	Jones	Mardi	Young—22.
Fluker	Hill of T.	M'Connico	Manly	
Fleming	Harrison	Merriwether	Perkins	
Gayle	Haines	M'Vay	Sims	

Ordered. That this House recede from said amendment.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Martin moved, that this House do now reconsider the vote given on Saturday last on insisting on the amendment made by this House to the said bill by striking out the 9th section thereof; which was carried.

Ordered, That this House recede from said amendment.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Martin moved, that this House do now reconsider the vote given on Saturday last, on insisting on the amendment made by this House to the said bill, by striking out the 10th section thereof; which was carried.

Ordered, That this House recede from said amendment.

Ordered, That the clerk acquaint the Senate therewith.

A bill from the Senate, entitled an act to repeal so much of an act passed on the 15th day of December 1821, as allows Samuel Dale for life, the half pay of a colonel in the army of the United States; was then taken into consideration; said bill being on its second reading—Mr. Gayle moved to amend the said bill, by the following additional section :

Section 2. *And be it further enacted,* That the said Samuel Dale shall receive the sum of fifteen hundred dollars, in lieu of the compensation now allowed by law, for the services he has rendered to the state; and the losses which he has sustained in its defence; and the comptroller is hereby required to issue his warrant upon the treasury, for the said sum of fifteen hundred dollars.

Mr. Jackson moved to amend said amendment by striking therefrom the words "fifteen hundred," which was carried.

Mr. Jackson then moved to fill the blank created thereby with the words "thirteen hundred and fifty," which was lost.

Yeas 21. Nays 33.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Crough	Humes	Lister	Morris
Atter	Dennis	Hardwick	M'Connico	Martin
Ashley	Gayle	Jackson	M'Leimora	Phillips
Beck	Hallett	Jones	Moore, of J.	Pickett—21.
Creshaw				

Those who voted in the negative, are,

Mr. Brown	Hill, of T.	Moore, of mar.	Perking	Smith
Dooley	Hill, of Bibb,	M'Laughlin	Salter	Tindall
Fields	Harrison	Manley	Sims	Vining
Fitts	King	Miller	Shotwell	Whitaker
Flucker	Merriwether	Philpott	Sargent	Weissinger
Goodhue	M'Vay	Powell	Skinner	Young—33.
Harvey	Moore, of mad	Peyton		

A message from the Senate, by Mr. Lyon, their secretary :

Mr. Speaker—The Senate have passed a bill, entitled an act authorizing a lottery to aid in the improvement of the navigation of Indian Creek; and,

A resolution concerning the district court of the United States, both of which originated in their body; and in which they desire the concurrence of your honorable body.

They have appointed a committee on their part, consisting of Messrs. Powell, Crabb and M'Vay, to meet and confer with such committee, as may be appointed on the part of your honorable body, on the subject of the disagreement existing between the two Houses in relation to the amendments made by your honorable body to the bill, entitled an act to provide for taking the census.

They have adopted the following resolution, in which they desire your concurrence: *Resolved,* That the Senate, with the concurrence of the House of Representatives, will convene in the hall of the House of Representatives, on to-morrow evening at the hour of 7 o'clock, for the purpose of electing a president and directors of the State Bank, and five commissioners to act with the Governor in effecting a loan for the State Bank, and physicians to compose the different Medical Boards in this state. And then he withdrew.

Ordered, That Messrs M'Connico and Hardwick have leave of absence after to-morrow, for the remainder of the session.

A communication was received from the Governor, by Mr. Plea-

sants, secretary of state, notifying this House that the Governor did, on this day, approve and sign,

An act to regulate the licensing of physicians to practise, and for other purposes; and,

An act to establish certain election precincts therein named, and for other purposes; which originated in this House.

The House again proceeded to the consideration of a bill, entitled an act to repeal so much of an act, passed 15th December, 1821, as allows Samuel Dale for life, the half pay of a colonel in the army of the United States.

The blank in Mr. Gayle's amendment being under consideration.

Mr. Pickett moved to fill the blank with the words "twelve hundred;" which was lost—Yeas 22, Nays 32.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Crenshaw	Haines	Lister	Mardis
Adair	Creagh	Hardwick	M'Connico	Martin
Ashley	Dennis	Jackson	M'Lenore	Phillips
Breck	Gayle	Jones	Moore, of J.	Pickett—22.
Barclay	Hallett			

Those who voted in the negative, are,

Mr. Brown	Hill, of B.	M'Laughlin	Salter	Tindall
Fields	Harrison	Mauley	Sims	Vining
Fitts	King	Miller	Shotwell	Whitaker
Fluker	Merriwether	Philpott	Sargent	Weissinger
Goodhue	M'Vay	Powell	Skinner	Young—32.
Harvey	Moore, of mad.	Peyton	Smith	
Hill, of T.	Moore, of Mar.	Perkins		

And then the House adjourned till half past two o'clock.

Evening Session.

Mr. Goodhue presented sundry accounts;

Mr. Sims presented sundry accounts;

Mr. Harrison presented the account of Henry Specks;

Mr. Moore, of Jackson, presented sundry accounts; which accounts were received and referred to the committee on accounts.

Ordered, That Mr. Adair be added to the judiciary committee, also to the select committee to whom was referred a bill, to be entitled an act to amend the charter of the Planters' and Merchants' Bank of Huntsville, and to provide for the speedy resumption of specie payments thereby.

The House again proceeded to the consideration of the bill, entitled an act to repeal so much of an act, passed 15th December, 1821, as allows Samuel Dale for life, the half pay of a colonel in the army of the United States. Mr. Gayle's amendment being still under consideration.

Mr. Young moved to fill the blank in said amendment with the words "one thousand." which was lost—Yeas 21, Nays 32.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Creagh	Haines	Lauier	Martin
Adair	Dennis	Jackson	M'Connico	Phillips
Ashley	Hallett	Jones	M'Lenore	Pickett
Beck	Hill of T.	Lister	Mardis	Young—21.
Crenshaw				

Those who voted in the negative, are,

Mr. Brown	Hill of B.	Mead	Peyton	Skinner
Barclay	Harrison	M'Laughlin	Perkins	Smith
Fields	King	Manly	Salter	Tindall
Fitts	Merriwether	Miller	Sims	Vining
Fluker	M'Vay	Philpott	Shotwell	Whitaker
Goodhue	Moore of mad.	Powell	Sargent	Weissinger—32.
Harvey	Moore of Mar.			

Mr. M'Laughlin moved to fill said blank with the words "eight hundred," which was lost—Yeas 23, Nays 30.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Creagh	Jackson	M'Lemore	Phillips
Adair	Dennis	Jones	Moore of Mad.	Pickett
Ashley	Hallett	Lister	Mardis	Smith
Beck	Hill of T.	Lanier	Martin	Young—23.
Crenshaw	Haines	McConnico		

Those who voted in the negative, are,

Mr. Brown	Harvey	Moore of Mar.	Powell	Sargent
Barclay	Hill of B.	Mead	Peyton	Skinner
Fields	Harrison	M'Laughlin	Perkins	Tindall
Fitts	King	Manly	Salter	Vining
Fluker	Merriwether	Miller	Sims	Whitaker
Goodhue	M'Vay	Philpott	Shotwell	Weissinger—30.

Mr. Lanier moved to fill said blank with the words "six hundred;" which was lost—Yeas 26, Nays 28.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Dennis	Haines	McConnico	Phillips
Adair	Gayle	Jackson	M'Lemore	Pickett
Ashley	Hallett	Jones	Moore of J.	Salter
Beck	Harvey	Lister	Mardis	Smith
Crenshaw	Hill of T.	Lanier	Martin	Young—26.
Creagh				

Those who voted in the negative, are,

Mr. Brown	Hill of B.	Moore of Mar.	Peyton	Skinner
Barclay	Harrison	Mead	Perkins	Tindall
Fields	King	M'Laughlin	Sims	Vining
Fitts	Merriwether	Manly	Shotwell	Whitaker
Fluker	M'Vay	Miller	Sargent	Weissinger—28.
Goodhue	Moore of Mad.	Powell		

Mr. Pickett moved to fill said blank with the words "five hundred;" which was lost—Yeas 26, Nays 27.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Creagh	Hill of T.	Lanier	Martin
Adair	Dennis	Haines	McConnico	Phillips
Ashley	Gayle	Jackson	M'Lemore	Pickett
Beck	Hallett	Jones	Moore of J.	Salter
Barclay	Harvey	Lister	Mardis	Young—26.
Crenshaw				

Those who voted in the negative, are,

Mr. Brown	King	M'Laughlin	Perkins]	Smith
Fields	Merriwether	Manly	Sims	Tindall
Fitts	M'Vay	Miller	Shotwell	Vining
Fluker	Moore of mad.	Powell	Sargent	Whitaker
Hill of B.	Moore of Mar.	Peyton	Skinner	Weissinger—27.
Harrison	Mead			

Mr. Jackson moved that the further consideration of said bill be indefinitely postponed; which was lost—Yeas 22, Nays 32.

Mr. Speaker	Creagh	Jackson	McConnico	Martin
Adair	Dennis	Jones	M'Lemore	Phillips
Ashley	Gayle	Lister	Mardis	Pickett
Beck	Hallett	Lanier	Mead	Young—22.
Crenshaw	Haines			

Those who voted in the negative, are,

Mr. Brown	Hill of T.	Moore of Mar.	Peyton	Skinner
Barclay	Hill of B.	M'Laughlin	Perkins	Smith
Fickis	Harrison	Merriwether	Salter	Tindall
Fitts	King	Manly	Sims	Vining
Fluker	M'Vay	Miller	Shotwell	Whitaker
Goodhue	Moore of Mad.	Powell	Sargent	Weissinger—32.
Harvey	Moore of J.			

Mr. Pickett moved to fill said blank with the words "three hundred," payable in three equal annual instalments; which was carried—Yeas 30. Nays 25.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Creagh	Haines	M'Lemore	Philpott
Adair	Dennis	Jackson	Moore of J.	Pickett
Ashley	Gayle	Jones	Mardis	Salter
Beck	Hallett	Lister	Mead	Smith
Barclay	Harvey	Lanier	Martin	Whitaker
Crenshaw	Hill of T.	M'Connico	Phillips	Young—80.

Those who voted in the negative, are,

Mr. Brown	Hill of B.	Moore of Mad.	Powell	Sargent
Fields	Harrison	Moore of Mar.	Peyton	Skinner
Fitts	King	M'Laughlin	Perkins	Tindall
Fluker	Merriwether	Manly	Sims	Vining
Goodhue	M'Vay	Miller	Shotwell	Weissinger—25.

The question was then taken on the adoption of Mr. Gayle's amendment as amended, and decided in the affirmative.

Yeas 30. Nays 25.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Creagh	Haines	M'Lemore	Philpott
Adair	Dennis	Jackson	Moore of J.	Pickett
Ashley	Gayle	Jones	Mardis	Salter
Beck	Hallett	Lister	Mead	Smith
Barclay	Harvey	Lanier	Martin	Whitaker
Crenshaw	Hill of T.	M'Connico	Phillips	Young—30.

Those who voted in the negative, are,

Mr. Brown	Hill of B.	Moore of Mad.	Powell	Sargent
Fields	Harrison	Moore of Mar.	Peyton	Skinner
Fitts	King	M'Laughlin	Perkins	Tindall
Fluker	Merriwether	Manly	Sims	Vining
Goodhue	M'Vay	Miller	Shotwell	Weissinger—25.

Mr. Gayle offered a further amendment to said bill, in the following words: "Sec. 3. And be it further enacted, That this act shall take effect from and after the first day of February next.

Mr. Adair moved to amend said amendment by striking therefrom the word "February," and inserting in lieu thereof the word "January;" which amendment was adopted.

The question was then taken on Mr. Gayle's amendment as amended, and carried.

A communication was received from the Governor, by Mr. Pleasants, secretary of state; which he delivered in at the Speaker's table, and then withdrew.

The said communication was read, and is as follows:

EXECUTIVE DEPARTMENT, December 22, 1823.

Gentlemen of the House of Representatives,

I herewith return to the House of Representatives, in which it originated, the joint resolutions, entitled "Resolutions proposing Gen. Andrew Jackson as a suitable candidate for President of the United States," which had, on the 17th inst. been presented for Executive approbation.

I regret that, according to my own ideas of the legislative duties of the General Assembly of this state, I cannot unite in this official and authoritative mode, not merely of rendering a just tribute of respect to our eminent fellow citizen who is the subject of the resolutions; but of proposing any individual as a candidate for the office of national Chief Magistrate—by an ordinary and formal act of legislation—sanctioned by the Executive approbation, and entitled to a place among our statute laws.

As an expression of the lively sentiments of gratitude to so distinguished a benefactor, and of the high estimation of his exalted merits so justly

entertained by ourselves and our constituents, no language would have been too strong for my official and cordial assent. Indeed our language is wanting in richness to furnish adequate terms of commendation of the military services of our hero. His signal gallantry has not merely given him a rank among the conquerors of modern times, but his uniform and eminent usefulness in the protection of our southern frontier has enlisted his name among the saviors of his country. And to none is the recollection of his important services more dear than to the people of Alabama.

To have made such an expression of our admiration and gratitude, would have been regarded as a debt, and would have had the sanction of official precedent to justify it. Indeed it would have been no ground of objection to have proceeded in a less formal and official manner, to the full extent of the resolutions; this also would have had the sanction of precedent, and would have furnished equal testimony of the public sentiment of our fellow citizens in regard to this question, of so much present and future interest to the nation. It is because I believe it not fairly within the legitimate sphere of legislation, and so far as my knowledge extends without any previous example, and would be introductory of unnecessary, if not mischievous matters into our legislative deliberations, that I am induced not to add my signature to the joint resolutions.

I can also add with the most perfect sincerity, that there is no other individual among the distinguished sages whose names have been in contemplation for the high office in question, in whose favor I would more reluctantly withhold my signature.

ISRAEL PICKENS.

Ordered, That said resolutions be laid on the table.

Ordered, That one hundred copies of said communication be printed for the use of this House.

Mr. M'Lemore presented the petition of sundry inhabitants of Montgomery county, praying an alteration in a road therein named;

Mr. Crenshaw presented the petition of sundry inhabitants of Dallas county, praying an alteration in a road therein named: which petitions were received and referred to the committee on roads, bridges, ferries, &c.

Ordered, That Messrs. Perkins, Creagh and Miller, be appointed a joint committee on the part of this House, to meet and confer with the committee on the part of the Senate, on the subject of the disagreement between the two Houses, on the amendments made by this House to the bill, entitled an act to provide for taking the census.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Jackson moved that the resolution from the Senate, proposing to meet this House at 7 o'clock to-morrow evening, to go into the election of a president and directors of the Bank of the State of Alabama, and five commissioners to act with the Governor in effecting a loan for the state, and also members of the several medical boards, lie on the table; which was lost—Yeas 6, Nays 46.

The yeas and nays being called for, those who voted in the affirmative, are,
Mr. Jackson Mead Martin Perkins Smith—6.

Jones

Those who voted in the negative, are,

Mr. Speaker	Creagh	Goodhue	Haines	Moore, of Md.
Ashley	Dennis	Hallett	King	M'Vay
Beck	Fields	Harvey	Lister	Moore, of J.
Brown	Fitts	Hill, of T.	Lanier	Moore, of Mar.
Barclay	Fluker	Hill, of B.	Merriwether	Mardis
Crenshaw	Fleming	Harrison	M'Lemore	M'Laughlin

Manly
Miller
Phillips
Philpott

Powell
Peyton
Salter

Sims
Shotwell
Sargent

Skinner
Tindall
Vining

Whitaker
Weissinger
Young—46.

The question was then taken on concurring in said resolution, and decided in the affirmative—Yeas 44, Nays 12.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Fitts	King	M'Laughlin	Shotwell
Ashley	Fluker	Lister	Manly	Sargent
Brown	Fleming	Lanier	Miller	Skinner
Barclay	Gayle	M'Connico	Phillips	Smith
Crenshaw	Hallett	Merriwether	Powell	Vining
Creagh	Harvey	M'Lemore	Peyton	Whitaker
Dale	Hill of B.	M'Vay	Pickett	Weissinger
Dennis	Harrison	Moore of Mad.	Salter	Young—44.
Fields	Haines	Moore of Mar.	Sims	

Those who voted in the negative, are,

Mr. Adair	Jackson	Mardis	Martin	Perkins
Goodhue	Jones	Mead	Philpott	Tindall—12.
Hill of T.	Moore of J.			

Ordered, That the clerk acquaint the Senate therewith.

Mr. Brown moved that the House now take into consideration a bill, entitled an act establishing a certain county therein named; which was carried—Yeas 35, Nays 14.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Adair	Hill of B.	Moore of Mad.	Phillips	Sargent
Brown	Harrison	Moore of J.	Philpott	Skinner
Barclay	Haines	Moore of mar.	Powell	Smith
Dennis	King	Mead	Peyton	Tindall
Fitts	Lanier	M'Laughlin	Perkins	Vining
Fluker	Merriwether	Manly	Salter	Whitaker
Hill of T.	M'Vay	Martin	Shotwell	Weissinger—35.

Those who voted in the negative, are,

Mr. Speaker	Fields	Jackson	M'Lemore	Pickett
Ashley	Goodhue	Jones	Mardis	Sims—14.
Fleming	Harvey	Lister	Miller	

The bill was then read a first time, and the rule which requires bills to be read on three several days being dispensed with, it was read a second time forthwith, and ordered to be read a third time to-morrow.

A bill from the Senate, entitled an act allowing a certain salary to the judge of the county court of Mobile; was read a second time, and ordered to be read a third time to-morrow.

And then the House adjourned till half past 9 o'clock to-morrow.

Tuesday, December 23.

Mr. Moore, of Jackson, presented the account of Reuben Price, which was received, and referred to the committee of accounts.

Mr. Miller, from the committee of propositions and grievances, to whom was referred the petition of Henry Moffett, Reported, that said committee are of opinion that there is no power to pass such a law, and ask to be discharged from the further consideration thereof; which leave was granted accordingly.

Mr. Miller, from the same committee, to whom was referred the petition of Delilah Pool, administratrix of John Pool, deceased, Reported, that it is inexpedient to pass any law on the subject of said petition, and ask to be discharged from the further consideration thereof; which was accordingly granted.

Mr. Miller, from the same committee, to whom was referred the petition of the intendant and town council of Claiborne, Reported,

that said committee think it inexpedient to legislate on the subject of said petition, and ask leave to be discharged from the further consideration thereof; which leave was granted.

Mr. Miller, from the same committee, to whom was referred the petition of R. H. Gregg, Reported, that the prayer of the petitioner is unreasonable and ought not to be granted.

Ordered, That the House concur in said report.

Mr. Hallett, from the committee on accounts, to whom was referred the claims of sundry persons. for holding coroners' inquests, prior to the act passed at the last session : also, sundry claims from witnesses attending courts in trials of the state, Reported, that there is no law authorizing said claims to be paid out of the State Treasury.

The committee have also had under consideration sundry accounts, which are not authenticated according to law ; and they therefore ask leave to be discharged from the further consideration of said accounts and claims.

Ordered, That the House concur in said report.

Mr. Mead, from the committee on roads, bridges, ferries, &c. reported a bill, to be entitled an act declaring the old road from Warren Stone's to Montgomery, in Montgomery county, to be the State Road ; which bill was read a first time, and the rule being dispensed with, it was read a second time forthwith, and was ordered to be engrossed and read a third time to-morrow.

Mr. Miller, from the committee of propositions and grievances, to whom was referred the petition of Thomas Berry ; and also the petition of Thomas Phillips, reported the following bills, to wit :

A bill, to be entitled an act for the relief of Thomas Berry ; and,

A bill, to be entitled an act for the relief of Thomas Phillips ; which bills were severally read a first time, and ordered to be read a second time to-morrow.

Mr. Philpott, from the military committee, to whom was referred the petition of the officers of the 22d regiment of Alabama militia, reported a bill, to be entitled an act dividing the twenty-second regiment of Alabama militia ; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Jackson, from the select committee, to whom was referred the Governor's Communication in relation to the map of this state, directed to be procured by him, by a resolution of the General Assembly the last session, reported a bill, to be entitled an act to compensate Ferdinand Sannoner for a Map of the State of Alabama ; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Jackson, from the select committee, to whom was referred a bill, to be entitled an act to amend the charter of the Merchants' and Planters' Bank of Huntsville ; and to provide for the speedy resumption of specie payments thereby, reported said bill with sundry amendments.

Ordered, That the House concur in said amendments.

Ordered, That said bill be engrossed for a third reading to-morrow.

Mr. Goodhue, from the committee on inland navigation, to whom was referred the report of the commissioners appointed to view Flint

River, reported a bill, to be entitled an act to incorporate "The Flint River Navigation Company," in Morgan county; which was read a first time, and the rule being dispensed with, it was read a second time forthwith, and ordered to be engrossed for a third reading to-morrow.

Mr. Creagh, from the judiciary committee, to whom was referred the petition of Adam Sheffield, praying that justices of the peace may not be allowed fees, Reported, that the subject of said petition may be well worthy the attention of future legislation; but, that it is inexpedient to legislate on that subject at this time.

Ordered, That the House concur in said report.

Mr. Creagh, from the same committee, to whom was referred a bill, to be entitled an act allowing a salary to the judge of the county court of Mobile county, Reported, that said committee ask leave to be discharged from the further consideration thereof, inasmuch as there is a bill before this House containing the same provisions, which originated in the Senate.

Ordered, That said committee be discharged from the further consideration of said bill.

Mr. Creagh, from the same committee, to whom was referred a resolution directing them to inquire into the expediency of altering the mode of selecting and compensating jurors, Reported, that it is inexpedient to alter the law on that subject at this time; in which report the House concurred.

Mr. Creagh, from the same committee, to whom was referred the memorial of the merchants of Mobile, Reported, that said committee ask leave to be discharged from the further consideration thereof, as there is a bill in progress before the House on that subject.

Ordered, That said committee be discharged from the further consideration thereof.

Mr. Creagh, from the same committee, to whom was referred a resolution, to inquire into the expediency of altering the time of holding the circuit courts in the first and third judicial circuits, Reported, that there is a bill before the House on the subject of altering the time of holding the several courts; and ask to be discharged from the further consideration of said resolution; which was granted.

A bill from the Senate, entitled an act to incorporate the Limestone and Flint River Navigation Companies; was read a first time, and the rule being dispensed with, it was read a second time forthwith, and referred to the committee on inland navigation.

Agreeably to notice given on yesterday.

Mr. Jones offered the following rule for the government of this House. "Rule 41—On all calls of the House the subject under consideration, shall lie on the table for one hour; at the expiration of which time, it shall be the duty of the speaker to take it up."

Mr. Adair moved the following amendment to said rule: "And the question shall be disposed of without further delay, on account of absent members; and it shall be the duty of the clerk to report to the speaker the names of the absent members, who upon their appearance shall be required to assign the cause of their non-attendance, and be subject to a fine of four dollars, should the reason be deemed insufficient by the House;" which amendment was adopted.

The rule as amended, was then adopted.

Bills from the Senate, of the following titles, to wit:

An act to authorize the administrators of Isaac Edwards, deceased, to comply with the contract made by their intestate, respecting his real estate;

An act authorizing a lottery to aid in the improvement of the navigation of Indian Creek; and,

Resolution concerning the district court of the United States; were severally read a first time, and ordered to be read a second time to-morrow.

A bill from the Senate, entitled an act to repeal in part and amend an act, entitled an act supplementary to an act to establish a State University; was read a second time, and ordered to be read a third time to-morrow.

An engrossed bill, entitled an act to provide for the choosing of electors of President and Vice President of the United States, was read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

Ordered, That the House concur in the amendments made by the Senate to the bill, entitled an act explanatory of the several acts now in force to suppress duelling.

Ordered, That the clerk inform the Senate thereof.

Bills of the following titles, to wit:

An act to authorize William Black and his associates to erect a toll bridge over Gravelly Creek;

An act for the further organization of the militia in the counties of Pike and Covington;

An act to compel parties to a suit, who plead the loss of any instrument in writing, under which they claim a benefit, to make oath of the truth of such pleading;

An act to emancipate a certain slave therein named;

An act to lay out a certain road therein named;

An act to incorporate the town of Greenville, in the county of Butler; and

An act to amend the laws regulating judicial proceedings; were severally read a second time, and ordered to be engrossed for a third reading to-morrow.

Bill, to be entitled, an act to amend the laws now in force in this state for the punishment of the crime of horse stealing, was read a 2d time, and referred to a select committee, consisting of Messrs. Adair, Lanier, Martin and Creagh.

A bill, to be entitled an act to repeal in part, an act entitled an act to provide for leasing the 16th sections, and for the application of the funds arising therefrom, to the purposes of education, passed 1st January, 1823, was introduced by Mr. Pickett, and read a first time.

Mr. Jones moved the indefinite postponement of said bill; which was carried.

A bill, to be entitled an act to allow the several sheriffs of this state one copy of the Digest of the laws of the state of Alabama, was read a second time.

Mr. Fluker moved that the further consideration of said bill be indefinitely postponed; which was carried.

A bill, entitled an act to emancipate certain persons therein named, was read a second time.

Mr. Creagh moved the indefinite postponement of said bill ; which was carried.

A bill, entitled an act to incorporate the town of Florence, in Lauderdale county, was read a second time, and referred to a select committee, consisting of Messrs. Jackson, Manly, and Hill of B.

A bill from the Senate, entitled an act to establish the town of Carthage, in Tuskaloosa county, was read a second time, and the rule being dispensed with, it was read a third time forthwith, and passed. *Ordered*, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

Bill from the Senate, entitled an act restricting officers from taking commissions on costs collected by them on executions, was read a second time, and ordered to be read a third time to-morrow.

Mr. Perkins obtained leave to introduce a bill, to be entitled an act for the relief of witnesses attending out of the county in which the offence was committed, and for other purposes ; which was read a first time, and ordered to be read a second time to-morrow.

Resolution from the Senate, providing more effectually for the trial of the writ of *quo warranto*, now depending in the fifth judicial circuit against the Planters' and Merchants' Bank of Huntsville, was read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

And then the House adjourned till 3 o'clock this evening.

Evening—3 o'clock.

A bill from the Senate, entitled an act pointing out the manner by which the streets in the towns of Tuskaloosa and Montgomery shall be kept in good order, and for other purposes, was read a second time, and ordered to be read a third time to-morrow.

Bills of the following titles, to wit :

An act regulating appeals from the county court to the circuit court ;

An act to establish certain election precincts therein named ;

An act to provide for the payment of state witnesses ;

An act requiring security for costs in any suit at law or in chancery ;

An act in relation to seamen belonging to vessels in merchant's service ;

An act to prevent abuses in granting letters of administration ;

An act authorizing the Governor to direct a suit against the Huntsville Bank ;

An act to provide for the sale of lands and slaves at the town of Courtland, in certain cases ;

An act to authorize the president and trustees of the University of Alabama, to dispose of the lands belonging to said institution, by admitting entries ;

An act to fix permanently the seat of justice for Pickens county ;

An act, to be entitled an act to repeal in part and amend an act, entitled an act to incorporate the town of Athens, in Limestone county, passed 19th November, 1818 ;

An act to permit Julius Chamberlain to vend goods in this state ;

An act to incorporate the trustees of the Claiborne Academy ;

An act the better to regulate the proceedings of public officers in the several counties in this state ;

An act to allow the administrators of Aaron Murphy, deceased, to

convey a certificate therein mentioned; were severally read a second time, and ordered to be engrossed for a third reading to-morrow.

Mr. Jones, from the select committee, to whom was referred the bill, entitled an act to authorize Young A. Gray, to convey certain real estate therein named, reported said bill, with an amendment, in which amendment the House concurred. *Ordered*, That said bill be engrossed for a third reading to-morrow.

A bill, entitled an act concerning judicial proceedings, was read a second time, and ordered to lie on the table.

A bill, entitled an act to promote the morals of retailers, and the better to secure to the state the revenue which should accrue from licenses granted to retailers, was read a second time.

Mr. Weissinger moved the indefinite postponement of said bill; which was carried.

A bill from the Senate, entitled an act to amend the several acts for the settlement and relief of the poor, was read a third time, and passed. *Ordered*, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

Engrossed bills of the following titles, to wit:

An act to amend an act, entitled an act to establish a turnpike road leading from Lawrence to intersect the military road at Pikesville, in Marion, passed December 26, 1822;

An act to amend an act passed at Huntsville the 16th December, 1819, entitled an act to establish a public road therein named;

An act to incorporate the town of Greensborough, in the county of Greene; were severally read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

A resolution from the Senate, entitled resolution respecting the further distribution of the laws of this state, was read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

A bill, entitled an act to repeal the fifth section of the act entitled an act amendatory of the laws now in force for the relief of insolvent debtors, passed June 16, 1821, was read a second time, and referred to a select committee, consisting of Messrs. Adair, Haines and Goodhue.

A bill, entitled an act to authorize Rodah Horton and associates to construct a turnpike road therein named, was read a second time, and referred to a select committee, consisting of Messrs. Adair, Goodhue, Fleming and Miller.

A bill, entitled an act for the more easy and speedy administration of justice in certain cases, was read a second time.

Mr. Mardis moved, that the further consideration of said bill be indefinitely postponed; which was carried.

A bill, entitled an act to emancipate a certain slave therein named, was read a second time.

Mr. Smith moved that the further consideration of said bill be indefinitely postponed; which was carried.

A bill, to be entitled an act amendatory to the laws now in force respecting roads, bridges, ferries, &c. was read a second time, and referred to a select committee, consisting of Messrs. Phillips, Pickett and Lanier.

Bills from the Senate, entitled an act to amend the charter of the Tombeckbe Bank;

An act to authorize the judge of the county court, and the commissioners of roads and Revenue of Mobile county, to levy an extra tax, for the building of a court house and jail in said county ;

An act to prevent fraudulent conveyances ; were severally read a second time, and ordered to be read a third time to-morrow.

A message from the Senate, by Mr. Lyon their secretary.

Mr. Speaker—The Senate have read a third time and passed, bills originating in your honorable body, entitled an act to divorce Tempy Williams from her husband George Williams;

An act to divorce Sarah Ann Newman from her husband Francis Newman;

An act to amend an act, passed at Huntsville, the 16th Dec. 1819, entitled an act to establish a public road therein named ;

An act to incorporate the town of Greensborough, in the county of Greene ; and,

An act to amend an act entitled an act to establish a turnpike road leading from Lawrence to intersect the military road at Pikesville in Marion county, passed Dec. 26th 1822 ; and then he withdrew.

A bill, to be entitled an act, to authorize Edward Smith to establish a turnpike road therein named ; was read a second time.

Mr. Hill moved, that the further consideration of said bill be indefinitely postponed ; which was carried.

A bill, to be entitled an act making appropriations for certain claims against the state was read a second time and ordered to be recommitted to the committee of accounts.

On motion of *Mr. Jones*, resolved, that the comptroller be directed to lay before the House a statement of the annual expenditures of the government ; and the amount of revenue received into the treasury for each year, commencing with the territorial government, including the present year.

A bill, to be entitled an act to prescribe the mode of collecting moneys due the university ; was ordered to lie on the table.

A bill, to be entitled an act to amend an act, entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes ; was read a second time, and referred to a select committee, consisting of Messrs. Fluker, Sims and Merriwether.

A bill, to be entitled an act to change the state road, and for other purposes ; was read a second time, and referred to a select committee, consisting of Messrs. Crenshaw, Mardis and Mead.

Resolved, on motion of *Mr. Jackson*, that the speaker be authorized to direct the clerk of this House to hire an additional clerk for the remainder of the session, whereupon George W. Gayle, was appointed said additional clerk.

Bill from the Senate, entitled an act for the foreclosure of mortgages ; was read a second time, and ordered to lie on the table.

Bill from the Senate, entitled an act to incorporate the Huntsville Library Company : was read a second time, and the rule which requires bills to be read on three several days being dispensed with, it was read a third time forthwith, and passed.

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

Bill from the Senate, entitled an act for the relief of Thomas C. Jones ; was read a third time and passed.

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

A bill, to be entitled an act regulating appeals in criminal cases; was referred to a select committee, consisting of Messrs. Martin, Jackson, Creagh and Adair.

Ordered, That a resolution in relation to establishing a district court of the U. States in the northern section of this state, lie on the table.

An act to emancipate the persons therein named; was read a second time, and referred to a select committee, consisting of Messrs. Creagh, Dale & Haines. And then the House adjourned till 7 o'clock this evening.

Evening—7 o'clock.

On motion of Mr. Jones, *Resolved*, that the Senate be informed that this House is now ready to receive them in their Hall, to go into the election of a President and Directors of the Bank of the state of Alabama; and five Commissioners to act with the Governor in effecting a loan for the State Bank; and also members of the different medical boards in this state.

Ordered, that the clerk acquaint the Senate therewith

The Senate having repaired to the Hall of the House of Representatives, and the President having announced the object of the meeting: The two Houses proceeded to elect a President of the Bank of the state of Alabama. *Andrew Pickens*, esquire, being the only person in nomination, the votes were, *For Mr. Pickens 75.*

The Speaker thereupon declared Mr. Pickens duly elected the President of the Bank of the state of Alabama.

Those who voted for Mr. Pickens are, Mr. President, Armstrong, Bibb, Casey, Coats, Conner, Crabb, Devereux, Hopkins, McCamy, Metcalf, Moore, Murphy, M'Vay, Powell, Shackelford, Smith, Sullivan, Wood, Mr. Speaker, Alair, Ashley, Beck, Brown, Barclay, Crenshaw, Creagh, Dale, Dennis, Field, Fitts, Fluker, Fleming, Goodhue, Hallett, Harvey, Hill of B. Hill of T. Harrison, Haines, Jackson, Jones, King, Lister, Lannier, M'Connico, Merriwether, M'Lemore, M'Vay, Moore of Mad. Moore of Mir. Moore of J. Mardis, Mead, M'Laughlin, Manly, Martin, Miller, Phillips, Philpott, Powell, Peyton, Pickett, Perkins, Salter, Sims, Shotwell, Sargent, Skinner, Smith, Tindall, Vining, Whitaker, Weissinger and Young—75.

The two Houses then proceeded to the election of twelve Directors of the Bank of the state of Alabama; *Alexander Pope, William Aylett, William Taylor, Thomas H. Wiley, David White, Gilbert Shearer, William Chislom, Jesse Beene, Horatio G. Perry, Joseph Pickens, Thomas B. Rutherford, Henry Hitchcock, Uriah G. Mitchell, Waller O. Bickley, James Saffold, David McCord, Michael J. Kenan, Thomas O. Meux, William Moore, John Scott, William Trigg, Willis Roberts, John J. Crocheron, Carter B. Harrison, John W. Rinaldi & Fielding Vaughn* being in nomination, the votes were,

For Mr. Pope	62	For Mr. Bickley	38
Aylett	57	Saffold	31
Taylor	57	McCord	27
Wiley	54	Kenan	25
White	52	Meux	23
Shearer	50	Moore	21
Chislom	47	Scott	17
Beene	47	Trigg	14
Perry	45	Roberts	13
Pickens	44	Crocheron	11
Rutherford	43	Harrison	11
Hitchcock	39	Rinaldi	8
Mitchell	39	Vaughn	1

Alexander Pope, William Aylett, William Taylor, Thomas H. Wiley, David White, Gilbert Shearer, William Chislom, Jesse Beene, Horatio G. Percy, Joseph Pickens and Thomas B. Rutherford, having a constitutional majority, the Speaker declared them duly elected Directors of the Bank of the state of Alabama.

Those who voted for Mr. Pope are, Mr. President, Armstrong, Bibb Casey, Coats, Conner, Crabb, Devereux, Hopkins, Metcalf, Moore, Murphy Powell, Shackelford, Smith, Sullivan. Mr. Speaker, Adair, Ashley, Brown Barclay, Crenshaw, Creagh, Dale, Field, Fitts, Fluker, Fleming, Goodhue, Hallett, Harvey, Hill of B. Jackson, Jones, Lister, Lanier, M'Connico, Merriwether, M'Lemore, Moore of Mad. Moore of Mar. Moore of J. Mardis, M'Laughlin, Manly, Martin, Miller, Phillips, Philpott, Powell Peyton, Pickett, Salter, Sims, Shotwell, Sargent, Skinner, Smith, Vining Whitaker, Weissinger and Young—62.

Those who voted for Mr. Aylett are, Mr. President, Armstrong, Bibb Casey, Coats, Conner, Crabb, Devereux, Hopkins, M'Camy, Metcalf Moore, Murphy, M'Vay, Powell, Shackelford, Smith. Mr. Speaker Adair, Ashley, Crenshaw, Creagh, Dale, Fields, Fitts, Fluker, Fleming Goodhue, Hallett, Harvey, Hill of T. Harrison, Jackson, Jones, King Lister, M'Connico, Merriwether, Moore of Mad. Moore of Mar. Moore of J. Mardis, Mead, Manly, Martin, Miller, Philpott, Powell, Peyton, Perkins, Shotwell Sargent Skinner Smith Tindall Whitaker & Young—57.

Those who voted for Mr. Taylor are, Mr. President, Armstrong, Bibb Coats, Conner, Crabb, Devereux Hopkins Moore Murphy Powell, Shackelford Sullivan Wood Mr. Speaker Adair Ashley Brown Barclay Crenshaw Creagh Dale Fields Fitts Fluker Fleming Goodhue Hallett Hill of T. Hill of B. Harrison Jackson Jones Lister Lanier M'Connico Merriwether M'Lemore Moore of Mad. Moore of J. Mardis Mead M'Laughlin Manly Martin Miller Phillips Philpott Pickett Salter Sims Shotwell Smith Vining Whitaker Weissinger and Young—57.

Those who voted for Mr. Wiley are, Mr. President, Armstrong, Bibb Coats, Conner, Crabb, Devereux, Hopkins, M'Camy, Metcalf, Moore Murphy, Shackelford, Smith, Sullivan, Wood, Adair, Brown, Barclay Crenshaw, Creagh, Dale, Fitts, Fluker, Fleming, Hallett, Harvey Hill of B. Harrison, Jones, Lister, Lanier, M'Connico, Merriwether M'Vay, Moore of Mad. Moore of Mar. Mardis, Manly, Phillips, Philpott Pickett, Perkins, Salter, Sims, Shotwell, Sargent, Skinner, Smith Tindall, Vining, Whitaker, Weissinger and Young—54.

Those who voted for Mr. White are, Mr. President Armstrong Bibb Casey Crabb Hopkins Metcalf Moore Murphy M'Vay Shackelford Sullivan Mr. Speaker Adair Ashley Brown Barclay Crenshaw Creagh Dale Dennis Fitts Fluker Fleming Goodhue Hallett Harvey Jackson Jones Lister Lanier M'Connico Moore of Mad. Moore of Mar. Manly Mead M'Laughlin Martin Miller Phillips Philpott Powell Pickett Salter Sims Sargent Skinner Smith Vining and Young—52.

Those who voted for Mr. Shearer are, Mr. President, Armstrong, Bibb, Casey, Coats, Conner, Crabb, Hopkins, Metcalf Moore, Murphy, M'Vay Powell, Shackelford, Smith, Ashley, Brown, Creagh, Dale, Dennis, Fields, Fitts Fluker, Fleming, Goodhue, Hallett, Harvey, Hill of T. Jones, King Lister, Lanier, M'Connico, Merriwether, Moore of Mad. Moore of Mar. Moore of J. Mardis, Mead, Miller, Phillips, Philpott, Pickett, Sargent Skinner, Smith, Tindall, Vining, Whitaker and Young—50.

Those who voted for Mr. Chislom are, Mr. President Armstrong Bibb Coats Conner Crabb Hopkins Metcalf Moore Murphy Shackelford Mr. Speaker Adair Barclay Creagh Dale Dennis Fitts Fluker Goodhue Hallett Harrison Jones King Lister Lanier M'Connico Merriwether Moore of Mad. Moore of Mar. Moore of J. Mead Phillips Philpott Powell

Peyton Salter Sims Shotwell Sargent Skinner Smith Tindall Vining Whitaker Weissinger and Young—47

Those who voted for Mr. Beene are, messrs. Casey, Coats, Conner Devereux, M'Camy, Metcalf, Murphy, Powell, Smith, Sullivan, Wood Mr. Speaker, Ashley, Beck, Barclay, Crenshaw, Dale, Dennis, Fluker Harvey, Hill of T. Hill of B. Harrison, King, Lister, Lanier, M'Connico Merriwether, M'Lemore, M'Vay, Moore of Mar. Mardis, M'Laughlin Manly, Martin, Powell, Peyton, Pickett, Perkins, Sims, Shotwell, Sargent Skinner, Tindall, Vining, Whitaker and Weissinger—47.

Those who voted for Mr. Perry are, Mr. President, Armstrong, Bibb Conner, Crabb, Hopkins, M'Camy, Murphy, Powell, Shackelford, Sullivan, Wood, Mr. Speaker, Adair, Brown, Barclay, Creagh, Dennis, Fitts Fleming Goodhue, Hill of T. Hill of B. Harrison, Jackson, Jones, Lanier M'Lemore, Moore of Mad. Mardis, Mead, M'Laughlin, Manly, Martin Miller, Phillips, Philpott, Pickett, Perkins, Sims, Shotwell, Smith, Tindall, Weissinger and Young—45.

Those who voted for Mr. Pickens are, Mr. President, Armstrong, Casey Coats, Hopkins, Metcalf, Moore, M'Vay, Powell, Smith, Sullivan, Wood Mr. Speaker, Ashley, Beck, Brown, Barclay, Creagh, Dennis, Fluker Fleming, Hallett, Harvey, Hill of B. Harrison, Jones, King, Merriwether M'Lemore, M'Vay, Moore of J. Mardis, Mead, M'Laughlin, Martin Peyton, Pickett, Perkins, Sims, Sargent, Skinner, Tindall, Whitaker and Weissinger—44.

Those who voted for Mr. Rutherford are, Messrs. Casey, Coats, Conner Devereux, M'Camy, Metcalf, Moore, Murphy, M'Vay, Smith, Sullivan Ashley, Beck, Brown, Dennis, Fields, Fluker, Goodhue, Harvey, Hill of T. Harrison, King, Lister, Lanier, M'Connico, Merriwether, M'Lemore M'Vay, Moore of Mar. M'Laughlin, Phillips, Philpott, Powell, Peyton, Pickett, Salter, Sims, Shotwell, Sargent, Skinner, Vining, Whitaker and Weissinger—43.

Those who voted for Mr. Hitchcock are, Mr. President, Armstrong, Bibb Conner, Devereux, Hopkins, M'Camy, Moore, M'Vay, Powell, Shackelford, Wood, Mr. Speaker, Adair, Barclay, Crenshaw, Creagh, Dale, Fitts Fleming, Goodhue, Hallett, Hill of T. Jackson, Jones, Lanier, Moore of Mad. Mardis, Mead, Martin, Miller, Phillips, Peyton, Pickett, Salter Shotwell, Sargent, Smith and Young—39.

Those who voted for Mr. Mitchell are, Messrs. Casey, Coats, Conner Devereux, M'Camy, Metcalf, Murphy, M'Vay, Sullivan, Mr. Speaker Ashley, Beck, Barclay, Crenshaw, Dale, Dennis, Fields, Fluker, Hallett Harvey, Hill of T. Harrison, King, Lister, M'Connico, Merriwether M'Lemore, Moore of J. Moore of Mar. M'Laughlin, Powell, Peyton, Salter, Shotwell, Sargent, Skinner, Vining, Whitaker and Weissinger—39.

Those who voted for Mr. Bickley are, Mr. President, Armstrong, Bibb Coats, Moore, Murphy, Shackelford, Wood. (Reps.) Messrs. Adair Brown, Crenshaw, Creagh, Dale, Fitts, Fluker, Fleming, Goodhue, Hallett, Hill of T. Hill of B. Jackson, Lister, Lanier, M'Connico, Merriwether M'Vay, Mardis, Mead, M'Laughlin, Manly, Martin, Miller, Phillips Philpott, Pickett, Perkins, Shotwell and Skinner—38.

Those who voted for Mr. Saffold are, Messrs. Casey, Coats, Conner Devereux, M'Camy, Metcalf, M'Vay, Smith, Sullivan, Wood, Ashley Beck, Brown, Crenshaw, Dennis, Fields, Harvey, Hill of T. King, Merriwether, M'Lemore, M'Vay, Moore of J. Moore of Mar. M'Laughlin Powell, Peyton, Perkins, Sims, Skinner and Whitaker—31.

Those who voted for Mr. McCord are, Messrs. Crabb, M'Camy, Adair Brown, Dennis, Goodhue, Hill of T. Hill of B. Harrison, Jackson, Lister Lanier, M'Vay, Moore of Mad. Moore of J. Moore of Mar. Manly, Miller, Phillips, Powell, Perkins, Salter, Shotwell, Smith, Tindall & Vining—27

Those who voted for Mr. Kenan are. Messrs. Armstrong, Bibb, Crabb Devereux, Hopkins, Moore, Smith, Mr. Speaker, Adair, Beck, Dale Fields, Fitts, Hallett Jackson, Jones, M'Connico, Moore of J. Mead, Martin Miller, Phillips, Philpott, Smith and Young—25.

Those who voted for Mr. Meun are, Mr. President, Crabb, Hopkins m'Camy, m'Vay, Powell, Shackelford, Wood, Adair, Creagh, Fields, Fitts Fleming, Jones, Moore of Mad, Martin, Miller, Philpott, Perkins, Smith Tindall, Vining and Young—23.

Those who voted for Mr. Moore are. Messrs. Crabb, M'Camy, M'Vay Powell, Smith, Beck, Brown, Fleming, Hill of T. Hill of B. King M'Vay Moore of Mad, Moore of J. Moore of Mar, Miller, Powell, Peyton, Perkins, Sims and Tindall—21.

Those who voted for Mr. Scott are. Messrs. Casey, Devereux, Sullivan Wood, Mr. Speaker, Ashley, Beck, Barclay, Crenshaw, Fields, Hill of B. M'LeMore, Mead, M'Laughlin, Peyton, Salter and Weissinger—17.

Those who voted for Mr. Trigg are, Messrs. Casey, M'Camy, M'Vay Powell, Beck, Hill of T. Hill of B. King, Moore of Mad, Moore of J. Mead, Powell, Perkins and Tindall—14.

Those who voted for Mr. Roberts are. Messrs. Bibb, Powell, Wood. (Reps.) Messrs. Dennis, Fields, Hill of B. M'LeMore, M'Vay, M'Laughlin, Martin, Sims, Vining and Weissinger—13.

Those who voted for Mr. Crocheron are, Messrs. Casey, Devereux, Metcalf, M'Vay, Sullivan, Beck, Crenshaw, Goodhue, M'LeMore, Sargent and Weissinger—11.

Those who voted for Mr. Harrison are, Messrs. Smith, Wood, Ashley Beck, Dennis, Harvey, King, M'LeMore, Peyton, Pickett & Tindall—11.

Those who voted for Mr. Rinaldi are, Messrs. Smith, Beck, Barclay Fields, Harvey, King, Powell and Whitaker—8.

Mr. Shackelford voted for Mr. Vaughn.

No one of the remaining persons in nomination having the constitutional majority, the two Houses proceeded again to the election of a twelfth Director of the Bank of the state of Alabama; Henry Hitchcock and Uriah G. Mitchell, Esquires, being in nomination, the votes were,

For Mr. Hitchcock 37.

For Mr. Mitchell 34.

The Speaker thereupon declared *Henry Hitchcock*, duly elected a Director of the Bank of the state of Alabama.

Those who voted for Mr. Hitchcock are, Mr. President, Armstrong Bibb, Conner, Hopkins, Moore, Shackelford, Mr. Speaker, Adair Creagh, Fitts, Flaker, Fleming, Goodhue, Hallett Hill of T. Jackson Jones, Lister, Lanier, Moore of Mad, Moore of Mar, Mardis, Mead Manly, Martin, Miller, Phillips, Philpott, Pickett, Perkins, Sims, Skinner, Smith, Tindall, Whitaker and Young—37.

Those who voted for Mr. Mitchell are, Messrs. Casey, Coats, Crabb Devereux, M'Camy, Metcalf, Murphy, M'Vay, Smith, Sullivan, Wood Ashley, Beck, Brown, Barclay, Crenshaw, Dennis, Harvey, Hill of B. Harrison, King, M'Connico, Merriwether, M'LeMore, M'Vay, Moore of J. M'Laughlin, Powell, Peyton, Salter, Shotwell, Sargent, Vining and Weissinger—34.

The two Houses then proceeded to elect five commissioners to act with the Governor to effect a loan for the Bank of the state of Alabama; George Phillips, Walter Crenshaw, Thomas Casey, Alexander Pope, Thomas H. Wiley, Waller O. Bickley, John J. Crocheron, Joseph Pickens, William Taylor and John Scott being in nomination, the votes were,

For Mr. Phillips	63
Crenshaw	46
Casey	46
Pope	41
Wiley	32

For Mr. Bickley	27
Crocheron	26
Pickens	21
Taylor	17
Scott	16

The Speaker thereupon declared *George Phillips, Walter Crenshaw, Thomas Casey, Alexander Pope, and Thomas H. Wiley*, esquires, duly elected Commissioners to act with the Governor in effecting a loan for the State Bank.

Those who voted for Dr. Phillips are Mr. President, Armstrong, Bibb, Conner, Crabb, Devereux, Hopkins, M'Camy, Metcalf, Moore, Murphy, Shackelford, Smith, Sullivan, Mr. Speaker, Adair, Ashley, Beck, Brown, Barclay, Creagh, Dale, Fitts, Fluker, Goodhue, Hallett, Harvey, Hill of T. Hill of B. Harrison, Jackson, Jones, King, Lister, Lanier, M'Connico, Merriwether, M'Lemore, M'Vay, Moore of Mad. Moore of J. Moore of Mar. Mardis, Mead, M'Laughlin, Manly, Martin, Miller, Philpott, Powell, Peyton, Pickett, Perkins, Salter, Sims, Shotwell, Sargent, Skinner, Vining, Whitaker, Weissinger and Young—63.

Those who voted for Dr. Casey are Mr. President, Bibb, Coats, Crabb, Devereux, Hopkins, M'Camy, Metcalf, Moore, Murphy, Shackelford, Smith, Sullivan, Wood, Mr. Speaker, Adair, Ashley, Beck, Barclay, Creagh, Dale, Dennis, Fluker, Hallett, Harvey, Hill of B. Jones, King, Lister, Lanier, M'Connico, M'Lemore, Moore of Mad. Moore of J. Moore of Mar. M'Laughlin, Miller, Powell, Peyton, Pickett, Sargent, Skinner, Vining, Whitaker, Weissinger and Young—46.

Those who voted for Mr. Pope are Mr. President, Armstrong, Bibb, Coats, Conner, Crabb, Devereux, Hopkins, M'Camy, Metcalf, Murphy, Shackelford, Smith, Mr. Speaker, Brown, Barclay, Creagh, Dale, Fitts, Goodhue, Hallett, Harvey, Hill of T. Jackson, Jones, Lister, Merriwether, Moore of Mad. Moore of J. Moore of Mar. Mardis, M'Laughlin, Martin, Peyton, Pickett, Perkins, Salter, Sims, Skinner, Tindall & Whitaker—41.

Those who voted for Mr. Crenshaw are, Messrs. Armstrong, Coats, Conner, Crabb, Devereux, Metcalf, Moore, Murphy, Smith, Sullivan, Wood, Mr. Speaker, Ashley, Beck, Barclay, Creagh, Dale, Dennis, Fluker, Hallett, Harvey, Hill of T. Hill of B. Harrison, Jones, King, Lister, Lanier, M'Connico, Merriwether, M'Lemore, M'Vay, Moore of J. Moore of Mar. Mardis, M'Laughlin, Powell, Perkins, Salter, Sims, Shotwell, Sargent, Skinner, Vining, Weissinger and Young—26.

Those who voted for Mr. Wiley are, Messrs. Armstrong, Coats, Conner, Hopkins, M'Camy, M'Vay, Wood, Brown, Fitts, Fluker, Goodhue, Hallett, Hill of T. Hill of B. Harrison, Jackson, Lanier, Merriwether, M'Vay, Mardis, Manly, Martin, Philpott, Powell, Peyton, Perkins, Salter, Shotwell, Sargent, Tindall, Whitaker, Weissinger—32.

Those who voted for Dr. Bickley are, Mr. President, Bibb, Hopkins, Moore, M'Vay, Shackelford, Adair, Creagh, Fitts, Fluker, Goodhue, Hill of T. Harrison, Jackson, King, M'Connico, Merriwether, M'Vay, Mead, Mardis, Miller, Philpott, Perkins, Shotwell, Tindall, Whitaker and Young—27.

Those who voted for Mr. Crockeran are, Messrs. Bibb, Coats, Crabb, Devereux, Metcalf, Murphy, M'Vay, Shackelford, Sullivan, Adair, Beck, Barclay, M'Connico, Moore of J. Moore of Mar. Mardis, M'Laughlin, Manly, Miller, Philpott, Powell, Pickett, Sims, Shotwell, Sargent and Weissinger—26.

Those who voted for Mr. Perkins are, Mr. President, Armstrong, Conner, M'Camy, M'Vay, Smith, Wood, Ashley, Beck, Brown, Dennis, Harvey, King, Lister, M'Lemore, M'Vay, Moore of Mad. Mead, Manly, Skinner and Vining—21.

Those who voted for Mr. Taylor are, Messrs. Wood, Brown, Fitts, Goodhue, Harrison, Jackson, Jones, Lanier, Moore of Mad. Mead, Martin, Philpott, Peyton, Sims, Tindall, Vining and Young—17.

Those who voted for Mr. Scott are, Messrs. Moore, M'Vay, Sullivan, Mr. Speaker, Adair, Ashley, Dale, Hill of B. M'Lemore, Mead, Manly, Miller, Pickett, Salter and Tindall—16.

The Senate then withdrew, and then the House adjourned till tomorrow morning 10 o'clock.

Wednesday, December 24.

Mr. Adair presented the petition of sundry inhabitants of Madison, praying that Flint river may be made navigable from the Tennessee river to Scott's mills; which was received, and referred to the committee on inland navigation.

Mr. Mardis, from the select committee to whom was referred, a

bill, to be entitled an act to change the state road ; and for other purposes; reported said bill, with sundry amendments; in which amendments the House concurred.

Ordered, That said bill be engrossed for a third reading to-morrow.

Mr. Mead, from the joint committee, to whom was referred the memorial of Edward G. & John D. Terrell; made a report thereon, in which the House concurred.

Mr. Perkins, from the joint committee appointed on the disagreement between the two Houses in relation to the amendments made by this House, to the bill, entitled an act to provide for taking the census; reported that said committee recommend to this House to recede from their amendment to said bill, by striking out all that part that relates to the oaths of heads of families.

Ordered, That the House concur in said report.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Phillips, from the select committee, to whom was referred a bill, to be entitled an act amendatory of the laws now in force respecting roads, reported said bill with amendments.

Ordered, That the House concur in said amendments.

Ordered, That said bill be engrossed for a third reading to-morrow.

Mr. Fitts, from the joint committee on enrolled bills, reported, that said committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to amend an act, passed at Huntsville 16th December, 1819, entitled an act to establish a public road therein named;

An act to divorce Tempy Williams from her husband Geo. Williams;

An act to divorce Sarah Ann Newman from her husband Francis Newman;

An act to incorporate the town of Greensborough, in the county of Greene;

An act to amend an act entitled an act to establish a turnpike road leading from Lawrence to intersect the military road at Pikesville in Marion county, passed Dec. 26th 1822;

An act explanatory of the several acts now in force in this state, to suppress duelling.

Mr. Phillips presented sundry accounts: Mr. Barclay presented sundry accounts; which were received and referred to the committee on accounts.

A bill, to be entitled an act to repeal certain acts therein named, and for other purposes; was read a second time and laid on the table.

An engrossed bill, entitled an act divorcing Jane Kelly from her husband James Kelly, was read a third time and passed.

Yeas 41

Nays 2.

Those who voted in the affirmative, are,

Mr. Speaker	Fleming	Lister	Miller	Smith
Adair	Goodhue	Merriwether	Phillips	Vining
Ashley	Hallett	Moore, of Mar.	Philpott	Whitaker
Beck	Harvey	Moore, of J.	Peyton	Weisinger
Brown	Hill, of Bibb	Moore, of Mad.	Pickett	Young—41.
Barclay	Haines	Mardis	Perkins	
Cronshaw	Jackson	Mead	Salter	
Creagh	Jones	Manley	Sims	
Dale	King	Martin	Shotwell	

Those who voted in the negative, are,

Mr. Dennis Tindall—2.

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Weissinger moved, that this House now take up a bill, to be entitled an act to alter and amend an act, entitled an act, to provide for assessing and collecting the taxes of this state, passed December 17th. 1821; which was carried. Yeas 31 Nays 21.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Hallett	Moore, of J.	Powell	Smith
Ashley	Harvey	Mead	Peyton	Vining
Brown	King	McLaughlin	Pickett	Weissinger.--31.
Crough	Lister	Mandy	Salter	
Dennis	Lanier	Muller	Sargent	
Fields	McLemore	Martin	Shotwell	
Fitts	McVay	Phillips	Skinner	

Those who voted in the negative, are,

Mr. Blair	Fleming	Jackson	Philpott	Young---21.
Beck	Goodhue	Jones	Perkins	
Barclay	Hill of B.	Merriwether	Sims	
Crenshaw	Harrison	Moore of Mad.	Tindall	
Dale	Haines	Mardis	Whitaker	

The bill was then read a third time and passed. Yeas 30, Nays 25.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Dennis	Haines	Moore of Mad.	Pickett
Ashley	Fields	King	Mead	Salter
Beck	Fitts	Lister	McLaughlin	Shotwell
Brown	Hallett	Lanier	Muller	Smith
Crenshaw	Harvey	McLemore	Phillips	Vining
Crough	Hill of B.	McVay	Peyton	Weissinger—30.

Those who voted in the negative, are,

Mr. Blair	Goodhue	Merriwether	Martin	Sargent
Barclay	Hill of T.	Moore, of J.	Philpott	Skinner
Dale	Harrison	Moore of Mar.	Powell	Tindall
Flicker	Jackson	Mardis	Perkins	Whitaker
Fleming	Jones	Mandy	Sims	Young—25.

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

An engrossed bill, entitled an act divorcing Robert Blassingam from his wife Elizabeth Blassingam; was read a third time and passed. Yeas 32. Nays 7.

The yeas & nays being required, those who voted in the affirmative, are,

Mr. Speaker	Dale	Lister	Martin	Shotwell
Blair	Fleming	Merriwether	Muller	Smith
Ashley	Goodhue	McVay	Phillips	Whitaker
Beck	Hallett	Moore of Mad.	Philpott	Young---32.
Brown	Haines	Moore of J.	Peyton	
Barclay	Jackson	Mead	Pickett	
Crenshaw	King	Mandy	Sims	

Those who voted in the negative, are,

Mr. Dennis	Hill, of T.	Harrison	Vining	Weissinger—7.
Fields	Hill of B.			

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Jackson, offered the following resolution: *Resolved*, That the Governor, be requested to transmit a copy of the preamble and resolutions, which have been adopted by the Senate and House of Representatives in relation to the election of a President of the U. States, to the Executive of each of our sister states, and to each of our Senators & Representatives in Congress, and that the Senate be invited to concur in this request.

Mr. Haines moved, to amend said resolution by adding after the word "*Resolutions,*" these words, "*and the veto of the Governor;*" which was lost.—Yeas 19—Nays 36.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Beck	Fitts	Haines	M'Laughlin	Smith
Crenshaw	Fluker	Lister	Phillips	Tindall
Creagh	Harvey	Merriwether	Perkins	Weissinger—19.
Dennis	Harrison	Moore of J.	Sims	

Those who voted in the negative, are,

Mr. Speaker	Goolhue	M'Vay	Miller	Skinner
Adair	Hallett	M'Leniore	Philpott	Vining
Ashley	Hill of B.	Moore, of Mad.	Powell	Whitaker
Brown	Hill, of T.	Moore of Mar.	Payton	Young—36.
Barclay	Jackson	Morris	Pickett	
Dale	Jones	Mead	Scher	
Fields	King	Manly	Shotwell	
Fleming	Lanier	Martin	Sargent	

Mr. Creagh moved, to amend said resolution by striking out the word "*Governor,*" in the first line, and inserting in its stead, the words "*The Speaker of the House of Representatives, and the President of the Senate;*" which was adopted.

The resolution thus amended, was then adopted.

A bill from the Senate, entitled an act allowing a certain salary to the judge of the county court of Mobile; was read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Adair, from the select committee, to whom was referred a bill, to be entitled an act to repeal the fifth section of the act, entitled an act amendatory of the laws now in force for the relief of insolvent debtors, passed June 16, 1821, reported said bill with sundry amendments.

Ordered, That said bill be recommitted to a select committee, consisting of Messrs. Pickett, Adair, Mead and Haines.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—The Senate concur in the resolution of your honorable body, requesting the President of the Senate and Speaker of the House of Representatives, to transmit a copy of the preamble and resolutions which have been adopted by the Senate and House of Representatives in relation to the election of a President of the United States, to the executive of each of our sister states, and to each of our senators and representatives in Congress.

They have passed a bill, which originated in their House, of the following title, to wit:

An act authorizing Richard Inge and Green Hill, executors of the last will and testament of John J. Inge, deceased, to sell and convey real estate: in which they desire your concurrence.

A bill from the Senate, entitled an act authorizing Richard Inge and Green Hill, executors of the last will and testament of John J. Inge, deceased, to sell and convey real estate, was read a first time, and the rule being suspended, it was read a second and third time forthwith, and passed.

Ordered, That the clerk acquaint the Senate therewith.

A bill from the Senate, entitled an act in relation to the sixteenth sections, was read a first time, and ordered to be read a second time to-morrow.

Mr. Perkins moved, that the House do now take up a bill, to be entitled an act regulating the fees of justices and constables; which was decided in the affirmative—Yeas 32, Nays 21.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Hill of T.	M'Vay	Powell	Tindall
Altir	Hill of B.	Moore of Mad.	Peyton	Vining
Beck	Haines	Moore of J.	Perkins	Whitaker
Brown	Jones	Mead	Shotwell	Young--32.
Barclay	King	Manly	Sargent	
Fleming	Lister	Martin	Skinner	
Goodhue	Lanier	Miller	Smith	

Those who voted in the negative, are,

Mr. Ashley	Fields	Harrison	Moore of Mar.	Pickett
Creshaw	Fitts	Jackson	Mardis	Salter
Crough	Floker	Merriwether	M'Laughlin	Sims
Dale	Harvey	M'Leomore	Phillips	Weissinger--21.
Dennis				

The bill was then read a second time.

Mr. M'Leomore moved, that the further consideration of said bill be indefinitely postponed; which was lost—Yeas 22, Nays 31.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Dale	Harrison	M'Leomore	Phillips
Ashley	Dennis	Haines	Moore of Mar.	Pickett
Beck	Fields	Lister	Mardis	Salter
Brown	Floker	Merriwether	M'Laughlin	Weissinger--22.
Creshaw	Harvey			

Those who voted in the negative, are,

Mr. Barclay	Jackson	Moore of J.	Powell	Skinner
Crough	Jones	Mead	Peyton	Smith
Fets	King	Manly	Perkins	Tindall
Fleming	Lanier	Martin	Sims	Vining
Goodhue	M'Vay	Miller	Shotwell	Whitaker
Hill of T.	Moore of Mad.	Philpott	Sargent	Young--31.
Hill of B.				

Mr. Jackson called for the previous question: And the main question being put, Shall this bill be engrossed, and be read a third time to-morrow? it was decided in the affirmative.

A communication was received from the Governor, by Mr. Pleasants, secretary of state, which he delivered in at the speaker's table, and then he withdrew.

Said communication was in writing, and is as follows:

Executive Office, Dec. 24, 1823.

Gentlemen of the Senate and of the House of Representatives,

In adverting to the return of the late Quarter-master General, an obvious necessity will appear for repealing or subjecting to some restrictions, the latter part of the 23d section of the militia law of last session. This section embraces a provision whereby the captains of volunteer companies without control, shall have authority on filing bond, to issue orders on the Quarter-master General for all arms necessary for their companies.

It is expected, that our new quota of arms will shortly be received; and under this provision if unrepealed, we may expect them almost as soon to be distributed.

I believe it will be found the most effectual mode of preserving the public arms to have them carefully boxed and occasionally examined, cleaned and oiled, under the care of the Quarter-master General. In case the public defence should call for a detachment of our militia to go into actual service, it is very important that arms sufficient should be at the command of the Executive. The new quota expected will not much exceed the quantity necessary for a regiment of infantry, exclusive of

I have ordered for two companies of cavalry. I hope the legislature will reserve this portion to be free from the uncontrolled order of the commanders of volunteer companies. ISRAEL PICKENS.

Ordered, That said communication be referred to the military committee.

And then the House adjourned till 3 o'clock this evening.

Evening, 3 o'clock.

An engrossed bill, entitled an act divorcing Drury Connally from his wife Nancy Connally, was read a third time and passed.

Yeas 36.

Nays 4.

Those who voted in the affirmative, are,

Mr. Speaker	Goodhue	Lister	Manly	Perkins
Adair	Hallett	Merriwether	Martin,	Shotwell
Ashley	Harvey	McVay	Miller	Smith
Brown	Hill of B.	Moore of Mad.	Phillips	Vining
Barclay	Haines	Moore of J.	Philpott	Whitaker
Crenshaw	Jackson	Morris	Peyton	Weisinger
Dale	King	Mead	Pickett	Young—56.
Fleming				

Those who voted in the negative, are,

Mr. Beck	Dennis	Harrison	Tindall—4
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Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Lyon, their secretary :

Mr. Speaker—The Senate have passed bills, which originated in their House, entitled,

An act to appoint commissioners to improve the navigation of the Tennessee river ;

An act declaring the old road from Warren Stone's, in Montgomery county, to the town of Montgomery, the state road, and for other purposes ;

A resolution in relation to certain depreciated paper in the treasury of this state : in which they desire your concurrence.

They have passed a bill, which originated in your House, entitled an act to provide for the choosing electors of President and Vice President of the United States, and have amended the same ; in which they desire your concurrence.

Ordered. That this House concur in said amendment.

A bill and a resolution from the Senate, of the following titles, to wit :

An act declaring the old road from Warren Stone's in Montgomery, to the town of Montgomery, the state road, & for other purposes ;

A resolution in relation to certain depreciated paper in the treasury of this state ; were severally read a first time, and the rule being suspended, they were read a second and third time forthwith, and passed.

Ordered, That the clerk acquaint the Senate therewith.

A bill from the Senate, entitled an act to appoint commissioners to improve the navigation of the Tennessee river, was read a first time, and the rule being suspended, it was read a second time, and referred to the committee on inland navigation.

The speaker laid before the House the quarter master general's annual report ; which was received and referred to the military committee.

Ordered, That a bill, to be entitled an act authorizing Claiborne

Wright and his associates to open a channel in a certain part of the Tennessee river therein named, be referred to the committee on inland navigation.

A bill, to be entitled an act to authorize William E. Dupree to emancipate a certain slave therein named, was read a second time, and ordered to lie on the table.

A bill from the Senate, entitled an act to amend an act, entitled an act to regulate the proceedings in the courts of law and equity, was read a second time, and the rule being suspended, it was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

An engrossed bill, entitled an act to prevent the imprisonment of females for debt ; was read a third time, and on the question being put, shall this bill pass ? it was decided in the negative.

Yeas 16,

Nays 36,

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Beck	Goodhue	M'Vay	Mead	Pickett
Brown	Haines	Moore of Mad.	Manly	Skinner
Dale	Lanier	Moore of J.	Philpott	Smith—16.
Fields				

Those who voted in the negative, are,

Mr. Speaker	Fluker	King	Miller	Shotwell
Adair	Fleming	Lister	Phillips	Sargent
Ashley	Harvey	Merriwether	Powell	Tindall
Barclay	Hill, of B.	M'Lemore	Peyton	Vining
Crenshaw	Harrison	Moore of Mar.	Perkins	Whitaker
Creagh	Jackson	Mardis	Salter	Weissinger
Dennis	Jones	Martin	Sims	Young—36.
Fitts				

A bill from the Senate, entitled an act to establish a certain county therein named ; was read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

A bill from the Senate, entitled an act to authorize the administrators of Walter Otey, deceased. to sell real estate ; was read a 3d time and passed—Yeas 24, Nays 21.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Dale	King	Phillips	Skinner
Ashley	Dennis	Lanier	Peyton	Smith
Brown	Fluker	Moore, of Mad.	Pickett	Vining
Barclay	Fleming	Manly	Perkins	Young—24,
Crenshaw	Harrison	Miller	Sims	

Those who voted in the negative, are :

Mr. Beck	Harvey	Merriwether	Martin	Shotwell
Creagh	Hill, of T.	M'Lemore	Philpott	Sargent
Fields	Jackson	M'Vay	Powell	Tindall
Fitts	Lister	Moore of Mar.	Salter	Weissinger—21.
Goodhue				

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Phillips, *Resolved*, That this House, with the concurrence of the Senate, will meet this day at 7 o'clock, P. M. for the purpose of electing members of the different Medical Boards, and that the west end of the Representative Hall be set apart for the reception of the Senate.

Ordered, That the clerk acquaint the Senate therewith.

Ordered, That Mr. Adair be added to the committee on inland navigation.

Engrossed bills of the following titles, to wit :

An act providing for the collection of moneys due to counties, and county taxes ;

An act to repeal an act declaring certain roads therein named public roads, until otherwise provided by law, passed December 24, 1822;

An act to amend an act entitled an act to incorporate the Indian Creek Navigation Company, passed at Cahawba, December 21st, 1820;

An act to alter the name of, and legitimate a certain person therein named; were severally read a third time and passed.

Ordered, That the titles be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

A bill from the Senate, entitled an act appropriating the fines and forfeitures accruing in Madison county to the benefit of Greene Academy; was read a second time and referred to a select committee, consisting of Messrs. Miller, Adair and Vining.

Message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have passed a bill & memorial, originating in their House, entitled an act to appoint commissioners to inquire into the situation of the state and county funds in the county of Clarke;

A memorial of the General Assembly of the state of Alabama, to the Congress of the United States; in which they desire your concurrence.

They have passed bills, which originated in your House, of the following titles, to wit:

An act to divorce Mary H. Judge from her husband, William Judge; and,

An act to divorce Margaret Toney from her husband, Charles Toney. And then he withdrew.

A bill and memorial from the Senate of the following titles:

An act to appoint commissioners to inquire into the situation of the state and county funds in the the county of Clarke;

A memorial of the General Assembly of the State of Alabama, to the congress of the United States; were severally read a first time, and ordered to be read a second time to-morrow.

Mr. Miller moved, that this House do now reconsider the vote given on yesterday on the passing of a bill entitled, an act to amend an act entitled an act to incorporate the Indian Creek Navigation Company passed at Cahawba, 21st Dec. 1820; which was carried.

The bill was then laid on the table.

An engrossed bill, entitled an act to repeal part of an act appointing commissioners for the counties of Covington and Pike, was read a third time and passed.

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—The Senate concur in the resolution of your Honorable body, proposing to go into the election of members of the different medical boards, this evening at 7 o'clock; and then he withdrew.

A bill, from the Senate, entitled an act to authorize Rebecca Fletcher to emancipate a certain slave therein named; was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

A communication was received from the Governor, by Mr. Pleasants, secretary of state, notifying this House, that the Governor did, on the 19th inst. approve and sign, an act, to alter the boundary line of Jefferson county;

An act to vest in the judge of the county court and commissioners of roads and revenue of the county of Henry, a certain portion of land for county purposes;

And on this day, an act explanatory of the several acts now in force in this state, to suppress duelling;

An act, to amend an act, passed at Huntsville the 16th December 1819, entitled an act to establish a public road therein named;

An act to amend an act entitled an act, to establish a turnpike road leading from Lawrence, to intersect the military road at Pikesville in Marion county, passed Dec. 26th, 1822; and.

An act to incorporate the town of Greensborough in the county of Greene. All of which originated in the House of Representatives.

A bill from the Senate, entitled an act for the relief of Benjamin Hatch; was read a first time; and the rule being dispensed with, it was read a second and third time and passed.

Ordered, That the clerk inform the Senate thereof.

A bill, to be entitled an act, to authorize William Blake to emancipate a negro man slave named Jacob; was read a second time and ordered to be engrossed for a third reading to-morrow.

The House then took into consideration a bill, to be entitled an act regulating the construction of contracts.

And the question being put, shall this bill be engrossed, and be read a third time to-morrow? It was decided in the negative.

Yeas 17

Nays 38.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr Fleming	M'Vay	Philpott	Skinner	Young—17.
Jones	Moore, of mad.	Powell	Smith	
King	Mead	Peyton	Vining	
Lanier	Manly	Sargent	Whitaker	

Those who voted in the negative, are,

Mr Speaker	Dale	Hill of T.	Moore, of J.	Perkins
Adair	Deanis	Hill, of Bibb	Moore, of mar.	Salter
Ashley	Fields	Harrison	Morris	Sims
Beck	Fitts	Haines	M'Laughlin	Shotwell
Brown	Flaker	Jackson	Martin	Tindall
Barclay	Goodhue	Lister	Miller	Weissinger—38.
Crenshaw	Hallett	Merrivether	Phillips	
Creagh	Harvey	M'Leccore	Pickett	

Mr. Perkins moved, that this House do now reconsider the vote given, on laying on the table, the bill, entitled an act, authorizing William E. Dupree, to emancipate certain slaves therein named; which was carried.

Ordered, That said bill be read a third time to-morrow.

And then the House adjourned till 7 o'clock this evening.

Evening, 7 o'clock.

On motion of Mr. Moore of J. *Resolved*, that the Senate be informed that this House is now ready to receive them, in the west end of the Hall for the purpose of electing members of the different medical boards in this state. *Ordered* that the clerk acquaint the Senate therewith.

The Senate having repaired to the Hall of the House of Representatives, the two Houses proceeded to elect, three members of the medical

board at Huntsville. Doctors *Henry Chambers, Thomas Fearn and Young A. Gray* being in nomination, the votes were,

For Doct. Chambers,	69.
Doct. Fearn,	69.
Doct. Gray,	69.

The Speaker thereupon declared them duly elected members of the medical board at Huntsville.

Those who voted for Mr. Chambers are,

Mr. President	Wood	Goodhue	M'Vay	Pickett
Casey	Mr. Speaker	Hallett	Moore of Mad.	Perkins
Coats	Adair	Harvey	Moore of J.	Salter
Crabb	Ashley	Hill of T.	Moore of Ar.	Sims
Devereux	Beck	Hill of B.	Mardis	Shotwell
Hopkins	Brown	Harrison	Mead	Sargent
M'Camy	Barclay	Haines	M'Laughlin	Skinner
Metcalf	Crenshaw	Jackson	Manly	Smith
Moore	Creagh	Jones	Martin	Tindall
M'Vay	Dale	King	Miller	Vining
Powell	Dennis	Lister	Phillips	Whitaker
Shackleford	Fitts	Lanier	Philpott	Weissinger
Smith	Fluker	Merriwether	Powell	Young—69.
Sullivan	Fleming	M'Lemore	Peyton	

For Dr. Fearn the same persons voted that voted for Dr. Chambers.

For Dr. Gray the same persons voted that voted for Dr. Chambers.

The two houses then proceeded to elect three members of the medical board at Tuscaloosa.

Drs. *William Parnell, Robert Kennon and Richard Inge* being in nomination, the votes were

For Dr. Parnell	69
Dr. Kennon	69
Dr. Inge	69

The speaker thereupon declared them duly elected members of the medical board at Tuscaloosa.

The same persons voted for them that voted for Dr. Chambers.

The two houses then proceeded to the election of three members of the medical board at Cahaba.

Doctors *Clement C. Billingslea, Wheeler Randall, Daniel Long, Edward Gantt, James Kelly, Edward Vassar, Thomas O. Meux and John H. Miller* in nomination: the votes were

For Dr. Billingslea	57	For Dr. Long	16
Dr. Randall	45	Dr. Gantt	21
Dr. Meux	34	Dr. Kelly	13
Dr. Miller	17	Dr. Vassar	4

Doctors Billingsley and Randall alone having a majority, the speaker declared them duly elected.

Those who voted for Dr. Billingslea are, Mr. President, Crabb, Devereux Hopkins, Metcalf Moore, Powell, Shackleford, Smith, Sullivan, Mr. Speaker, Adair, Ashley, Beck, Brown, Barclay, Creagh, Dale, Dennis, Fitts, Fluker, Fleming, Goodhue, Hallett, Harvey, Hill of T. Hill of B. Haines Jackson, Jones, King, Lister, Lanier, M'Lemore, M'Vay, Moore of Mad. Moore of J. Moore of Mar. Mardis, Mead, M'Laughlin, Manly, Martin Miller, Philpott, Powell, Peyton, Pickett, Salter, Sims, Shotwell, Skinner Smith, Tindall, Vining, Weissinger and Young—57.

Those who voted for Dr. Randall are, Mr. Crabb Hopkins M'Camy Moore Powell Shackleford Wood, Mr. Speaker Adair Ashley Brown Barclay Creagh Dale Dennis Fitts Fleming Goodhue Hill of T. Hill of B. Harrison Haines Jackson Jones Lister Lanier Merriwether M'Lemore M'Vay Moore of Mad. Moore of J. Mardis Mead Manly Martin Philpott Powell Peyton Pickett Perkins Shotwell Smith Tindall Whitaker and Young—45.

Those who voted for Dr. Long are, Mr. Casey, Coats Devereux Metcalf Murphy Smith Sullivan Wood Ashley Fluker Hallett Hill of B. King McLemore M'Laughlin and Weissinger—16.

Those who voted for Dr. Gantt are, Mr. President, M'Camy Brown Barclay Crenshaw Harvey Harrison Jackson Mardis Mead Manly Martin Phillips Peyton Pickett Perkins Sims Sargent Smith Tindall and Whitaker—21.

Those who voted for Dr. Miller are, Mr. Casey Coats Murphy Beck Crenshaw Creagh Haines King Merriwether M'Laughlin Miller Phillips Sims Sargent Smith Tindall and Whitakee—17.

Those who voted for Dr. Kelly are, Mr. Coats Devereux Metcalf Wood Dennis Fluker Hallett Hill of T. Harrison Moore of Mar. Perkins Salter Skinner—13.

Those who voted for Dr. Meux are, Mr. President, Crabb Hopkins M'Camy Moore Powell Shackelford Smith Mr. Speaker Adair Crenshaw Dale Fitts Fleming Goodhue Harvey Jones Lister Lanier Merriwether M'Vay Moore of Mad. Moore of J. Moore of Mar. Miller Phillips Philpott Powell Salter Sargent Skinner Vining Whitaker and Young—34.

Those who voted for Dr. Foster are, Messrs. Casey, M'Vay Sullivan and Beck—4.

The two houses then proceeded to elect a third member of the medical board at Cahawba.

Doctors *Thomas O. Meux, Edward Gantt and John H. Miller* being in nomination the votes were

For Doct. Meux	35
Doct. Gantt	20
Doct. Miller	14

The speaker thereupon declared Dr. Meux duly elected a member of the medical board at Cahawba.

Those who voted for Dr. Meux are, Mr. President, Crabb, Hopkins Moore, M'Vay, Powell, Shackelford, Wood, Mr. Speaker, Adair, Crenshaw, Dale, Fitts, Fleming, Hallett, Jones, Lister, Lanier, M'Lemore, M'Vay, Moore of Mad. Moore of Mar. Moore of J. Miller, Phillips, Philpott, Powell Salter, Shotwell, Sargent, Skinner, Smith, Vining, Whitaker and Young—35.

Those who voted for Dr. Gantt are, messrs. M'Vay, Ashley, Brown Barclay, Fluker Goodhue, Harvey Hill of T. Hill of B. Harrison, Jackson, Mardis, Mead, Manly, Martin, Peyton, Pickett, Perkins, Sims and Tindall—20.

Those who voted for Dr. Miller are, Messrs. Casey, Coats, Devereux Metcalf, Smith, Sullivan, Beck, Creagh, Dennis, Haines, King, Merriwether, M'Laughlin and Weissinger—14.

The two houses then proceeded to the election of three members of the medical board at Claiborne.

Doctors *John Bonner, John Watkins, William H. Stewart, James Simpson and Joshua S. Willson* being in nomination the votes were

For Doct. Bonner	66	For Doct. Simpson	11
Doct. Watkins	61	Doct. Willson	3
Doct. Stewart	63		

The speaker thereupon declared the former duly elected members of the medical board at Claiborne.

Those who voted for Dr. Bonner are, Mr. President, Casey, Coats, Crabb, Devereux, Hopkins, M'Camy, Metcalf, Moore, M'Vay, Powell Shackelford, Smith, Sullivan, Mr. Speaker, Adair, Ashley, Brown, Barclay, Crenshaw, Creagh, Dale, Fitts, Fluker, Fleming, Goodhue, Hallett, Harvey, Hill of T. Hill of B. Harrison, Haines, Jackson Jones King, Lister, Lanier, Merriwether M'Lemore, M'Vay, Moore of Mad.

Moore of J. Moore of Mar. Mardis, Mead, M'Laughlin, Manly, Martin Miller, Phillips, Philpott, Powell, Peyton, Pickett, Perkins, Salter, Sims, Shotwell, Sargent, Skinner, Smith, Tindall, Vining, Whitaker Weissinger and Young—66.

Those who voted for Dr. Watkins, are the same as those who voted for Dr. Bonner, except Messrs. Crabb, M'Vay, Shackelford, Barclay and Harrison; and Mr. Beck in addition to those who voted for Dr. Bonner, voted for Dr. Watkins—61.

Those who voted for Dr. Stewart are the same that voted for Dr. Watkins, and Messrs. Dennis and Harrison in addition—63.

Those who voted for Dr. Simpson are, Messrs. Casey, Crabb, Metcalf, M'Vay, Shackelford, Smith, Sullivan, Beck, Barclay, Dennis, Harrison—11.

Those who voted for Dr. Wallson are, Messrs. Smith, Barclay, Dennis—3.

The two houses then proceeded to the election of three members of the medical board at Mobile.

Doctors Thomas L. Carthy, Elias Roberts, Solomon Morducui and John B. Cumming being in nomination the votes were

For Doct. Carthy	61	For Doct. Roberts	51
Doct. Morducui	59	Doct. Cumming	15

The speaker thereupon declared the three first named, duly elected members of the medical board at Mobile.

Those who voted for Dr. Carthy are Mr. President, Crabb, Devereux, Hopkins, M'Camy, Moore, M'Vay, Powell, Shackelford, Smith, Sullivan Mr. Speaker, Adair, Ashley, Beck, Brown, Barclay, Crenshaw, Creagh, Dale, Dennis, Fitts, Fleming, Fluker, Goodhue, Hallett, Harvey, Hill of T. Hill of B. Harrison, Haines, Jackson, Jones, King, Lister, Lanier, Merriwether, M'Lemore, M'Vay, Moore of Mad. Moore of J. Moore of Mar. M'Laughlin, Manly, Martin, Miller, Phillips, Philpott, Powell, Peyton, Pickett, Salter, Sims, Shotwell, Sargent, Skinner, Smith, Vining, Whitaker, Weissinger and Young—61.

Those who voted for Dr. Morducui are, Mr. President, Crabb, Devereux, Hopkins, M'Camy, Moore, Powell, Shackelford, Smith, Mr. Speaker, Adair, Ashley, Beck, Brown, Barclay, Crenshaw, Creagh, Dale, Dennis, Fitts, Fluker, Fleming, Goodhue, Hallett, Harvey, Hill of T. Hill of B. Harrison, Haines, Jackson, Jones, King, Lister, Lanier, Merriwether, M'Lemore, M'Vay, Moore of Mad. Moore of Mar. Moore of J. Mead, M'Laughlin, Manly, Martin, Miller, Phillips, Philpott, Powell, Peyton, Pickett, Salter, Sims, Shotwell, Sargent, Skinner, Smith, Vining, Whitaker, Weissinger and Young—59.

Those who voted for Dr. Roberts are, Mr. President Devereux, Hopkins, M'Camy, Moore, M'Vay, Powell, Shackelford, Smith, Sullivan, Adair, Ashley, Crenshaw, Creagh, Dale, Dennis, Fitts, Fluker, Fleming, Goodhue, Hallett, Harvey, Hill of T. Hill of B. Harrison, Haines, Jackson, Jones, King, Lister, Lanier, Merriwether, M'Lemore, M'Vay, Moore of Mad. Mead, M'Laughlin, Manly, Martin, Phillips, Philpott, Salter, Sims, Shotwell, Sargent, Skinner, Smith, Vining, Whitaker, Weissinger and Young—51.

Those who voted for Dr. Cumming are, Mr. Crabb, M'Vay, Sullivan, Mr. Speaker, Beck, Brown, Barclay, Haines, Moore of J. Moore of Mar. Mead, Miller, Powell, Peyton and Pickett—15.

And then the House adjourned till to-morrow morning, 10 o'clock.

Thursday, December 25.

Mr. Adair, from the committee on inland navigation, to whom was referred a bill, entitled an act to incorporate the Limestone and Flint River Navigation Companies, reported the same with amendments; in which the House concurred.

Ordered, That said bill be read a third time to-morrow.

Mr. Adair, from the same committee, to whom was referred a bill, to be entitled an act authorizing Claiborne Wright and his associates to open a channel in a certain part of the Tennessee river therein named, reported the same with amendments, in which the House concurred.

Ordered, That said bill be engrossed for a 3d reading to-morrow.

Mr. Merriwether, from the select committee, to whom was referred a bill, entitled an act to amend an act, entitled an act to appoint commissioners to lay out a certain road therein specified, and for other purposes, reported said bill with amendments; in which the House concurred.

Ordered, That said bill be engrossed, and be read a third time to-morrow.

Mr. Adair, from the committee on inland navigation, to whom was referred a bill, to be entitled an act to appoint commissioners to improve the navigation of the Tennessee river, reported said bill with amendments, in which the House concurred.

Ordered, That said bill lie on the table.

Mr. Miller, from the select committee, to whom was referred a bill, to be entitled an act appropriating the fines and forfeitures accruing in Madison county to the benefit of Greene Academy, reported the same with amendments, in which the House concurred.

Mr. Hallett, from the committee on accounts, to whom was referred sundry claims against the state, Reported, That inasmuch as no part of the claims are properly chargeable on the state treasury, they ask to be discharged from the further consideration thereof; and the said committee were discharged accordingly.

Mr. Fitts, from the joint committee on enrolled bills, reported, that said committee had examined, and found correctly enrolled, bills of the following titles, to wit:

An act to provide for the choosing electors of President and Vice President of the United States;

An act to divorce Margaret Toney from her husband Charles Toney; and,

An act to divorce Mary H. Judge from her husband Wm. Judge;

Mr. Barclay asked leave to introduce a bill, to be entitled an act for the relief of the counties on the Tennessee river; and the question being put, Shall leave be granted to introduce said bill? it was decided in the affirmative—Yeas 34, Nays 15.

The yeas & nays being called for, those who voted in the affirmative, are

Mr. Speaker	Fluker	M'Vay	Phillips	Skinner
Adair	Fleming	Moore of mad.	Philpott	Smith
Beck	Goodhue	Moore of J.	Peyton	Vining
Brown	Hallett	Moore of Mar.	Pickett	Whitaker
Barclay	Hill of T.	Mardis	Perkins ¹	Weissinger
Crenshaw	Haines	Martin	Shotwell	Young—34.
Dale	King	Miller	Sargent	

Those who voted in the negative, are,

Mr. Ashley	Fields	Hill of B.	Jones	M'LeMore
Creagh	Fitts	Harrison	Lister	Sims
Dennis	Harvey	Jackson	Merriwether	Tindall—15.

The said bill was then read a first time.

Mr. Weissinger moved that the further consideration of said bill be indefinitely postponed; which was lost.

Yeas 24.

Nays 28.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Creagh	Harvey	Merriwether	Sims
Ashley	Dennis	Hill of B.	M'Lemore	Shotwell
Beck	Fielda	Harrison	Mardis	Tindall
Brown	Fitts	Jackson	Pickett	Weissinger—24.
Crenshaw	Fluker	Lister	Perkins	

Those who voted in the negative, are,

Mr. Adair	Hill of T.	Moore of Mad.	Phillips	Smith
Barclay	Haines	Moore of J.	Philpott	Vining
Dale	Jones	Moore of Mar.	Powell	Whitaker
Fleming	King	Manly	Peyton	Young—25.
Goodhue	Lanier	Martin	Sargent	
Hallett	M'Vay	Miller	Skinner	

Mr. M'Lemore moved that said bill lie on the table till the 10th day of January next; which was lost—Yeas 22, Nays 27.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Speaker	Dennis	Hill, of B.	Mardis	Shotwell
Ashley	Fields	Harrison	Pickett	Tindall
Beck	Fitts	Jackson	Perkins	Weissinger—22.
Crenshaw	Fluker	Merriwether	Sims	
Creagh	Harvey	M'Lemore		

Those who voted in the negative, are,

Mr. Adair	Hill of T.	Moore of Mad.	Miller	Sargent
Barclay	Haines	Moore of J.	Phillips	Skinner
Brown	Jones	Moore of Mar.	Philpott	Vining
Dale	King	Manly	Powell	Whitaker
Goodhue	Lanier	Martin	Peyton	Young—27.
Hallett	M'Vay			

The rule being dispensed with, said bill was read a second time, and referred to the judiciary committee.

Mr. Adair moved, at 12 o'clock, that this House do now adjourn till to-morrow, 10 o'clock, which was carried—Yeas 29, Nays 23.

The yeas & nays being called, for, those who voted in the affirmative are,

Mr. Speaker	Dale	Harrison	Manly	Perkins
Adair	Dennis	Haines	Martin	Smith
Beck	Goodhue	Lister	Miller	Vining
Barclay	Hill of T.	Moore of J.	Phillips	Weissinger
Crenshaw	Hallett	Moore of Mar.	Philpott	Young—29.
Creagh	Hill of B.	Mardis	Pickett	

Those who voted in the negative, are,

Mr. Ashley	Fleming	Lanier	Powell	Sargent
Brown	Harvey	Merriwether	Peyton	Skinner
Fields	Jackson	M'Lemore	Sims	Tindall
Fitts	Jones	M'Vay	Shotwell	Whitaker—23.
Fluker	King	Moore of Mad.		

Friday, December 26.

A message from the Senate, by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have passed a bill, originating in your House, entitled an act to repeal in part and amend an act, declaring certain roads therein named public roads until otherwise provided by law, passed Dec. 24, 1822.

They concur in the amendment made by your honorable body to the bill, entitled an act to authorize Rebecca Fletcher to emancipate a certain slave therein named.

They have passed bills, originating in your House, of the following titles, to wit;

An act divorcing Drury Connally from his wife Nancy Connally.

An act divorcing Robert Blassingam from Elizabeth Blassingam;

An act divorcing Jane Kelly from her husband James Kelly;

And then he withdrew.

On motion of Mr. Smith, *Resolved*, That this House will receive no new business during the remainder of the session.

Mr. Perkins, from the select committee, to whom was referred the communication of the Governor accompanying certain resolutions of the legislature of Tennessee, disapproving a congressional caucus nomination of a candidate for the presidency, reported a preamble and resolutions.

Mr. Jones moved that said report lie on the table till the first of March next: which was carried—Yeas 40, Nays 11.

The yeas & nays being called for, those who voted in the affirmative, are

Mr. Speaker	Fields	Lanier	Manly	Salter
Adair	Fitts	McLemore	Martin	Shotwell
Beck	Fleming	McVay	Miller	Sargent
Brown	Goodhue	Moore of Mad.	Phillips	Skinner
Barclay	Hallett	Moore of J.	Philpott	Tindall
Crenshaw	Hill of T.	Moore of Mar.	Powell	Vining
Creagh	Jones	Mardis	Peyton	Whitaker
Dale	Lister	Mead	Pickett	Young—40.

Those who voted in the negative, are,

Mr. Dennis	Hill of B.	Merriwether	Perkins	Smith
Fluker	Haines	McLaughlin	Sims	Weissinger—11.
Harvey				

Mr. Martin, from the select committee, to whom was referred a bill, to be entitled an act regulating appeals in criminal cases, reported said bill with amendments, in which the House concurred.

Mr. Moore, of Marion, moved that the further consideration of said bill be indefinitely postponed; which was carried.

Yeas 37.

Nays 15.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Adair	Fluker	Lanier	Phillips	Sims
Ashley	Fleming	Merriwether	Philpott	Shotwell
Beck	Goodhue	McLemore	Powell	Sargent
Brown	Harvey	Moore of Mad.	Peyton	Skinner
Barclay	Hill of T.	Moore of Mar.	Pickett	Vining
Dennis	Hill of B.	Manly	Perkins	Whitaker
Fields	Haines	Miller	Salter	Weissinger—37.
Fitts	Lister			

Those who voted in the negative, are,

Mr. Speaker	Dale	McVay	Mead	Smith
Crenshaw	Hallett	Moore of J.	McLaughlin	Tindall
Creagh	Jones	Mardis	Martin	Young—15.

Mr. Phillips obtained leave to introduce a resolution directing the Governor to commission the several persons elected as members of the medical boards; which was read a first time, and the rule being suspended, it was read a second and third time forthwith, and passed.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Pickett, from the select committee, to whom was referred a bill, to be entitled an act to repeal the fifth section of an act, entitled an act amendatory of the laws now in force for the relief of insolvent debtors, passed June 16th, 1821, reported the same with amendments, in which the House concurred.

Ordered, That said bill be engrossed, and be read a third time to-morrow.

A bill from the Senate, entitled an act to authorize the administrators of Isaac Edwards, deceased, to comply with the contracts made by their intestate respecting his real estate, was read a second time, and the rule being suspended, it was read a third time & passed.

Ordered, That the clerk acquaint the Senate therewith.

A message was received from the Senate, by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have passed a bill originating in your house, entitled an act to repeal part of an act, entitled an act to appoint commissioners for the counties of Covington and Pike, and have amended the same ; in which they desire your concurrence.

They have also adopted the following resolution : Whereas Thomas H. Wiley, who was declared duly and constitutionally elected a commissioner of loans, from reference to the journal of the proceedings of the Senate, had not a constitutional majority ; therefore, *Resolved*, That with the consent of the House of Representatives, the Senate will meet in the Representative Hall to-morrow evening, at 7 o'clock, to elect a commissioner, to act with the Governor in obtaining a loan for the bank : and a judge of the county court of Walker county.

They have passed a bill, which originated in their House, entitled an act to declare Bassett's Creek in Clarke county a public highway : in all of which they desire your concurrence. And then he withdrew.

Ordered, That this House concur in said amendment to the first mentioned bill in said message, and also in said resolution.

Mr. Adair, from the select committee, to whom was referred a bill, entitled an act to amend the laws now in force in this state for the punishment of the crime of horse stealing, reported said bill with sundry amendments, in which the House concurred.

Ordered, That said bill be engrossed for a third reading to morrow.

A bill from the Senate, entitled an act to declare Bassett's Creek in Clarke county a public highway, was read a first time, and ordered to be read a second time to morrow.

The speaker laid before the House a report of the comptroller, made in pursuance of a resolution of this House directing him to lay before this House a statement of the annual expenditures of the government, and the amount of revenue received into the treasury for each year, commencing with the territorial government, and including the present year.

Ordered, That one hundred copies of said report be printed for the use of this House.

Engrossed bills of the following titles, to wit :

An act to authorize the Governor to direct a suit against the Huntsville Bank ;

An act to amend an act, entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes ;

An act to incorporate Flint River Navigation Company, in Morgan county ;

An act requiring security for costs in any suit at law or in chancery ;

An act to prevent abuses in granting letters of administration on the estates of deceased persons ;

An act to authorize Young A. Gray to convey certain real estate therein mentioned ;

An act to establish certain election precincts therein named ; were severally read a third time and passed.

Ordered, That the titles be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

A bill from the Senate, entitled an act to repeal so much of an act, passed on the 15th day of December, 1821, as allows Samuel Dale for life, the half pay of a colonel in the army of the U. States, was read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

And then the House adjourned till this evening, half past two o'clock.

Evening—half past 2 o'clock.

An engrossed bill, entitled an act to allow the administrators of Aaron Murphy, deceased, to convey a certificate therein mentioned, was read a third time and passed.

Ordered, That the title be as aforesaid.

Ordered, That the clerk inform the Senate thereof.

A bill, entitled an act authorizing Claiborne Wright and his associates to open a channel in a certain part of the Tennessee river, was read a third time, and laid on the table.

A message from the Senate by Mr. Lyon, their secretary :

Mr Speaker—The Senate have rejected a bill, entitled an act to alter and amend an act to provide for assessing and collecting the taxes of this state, passed December 17, 1821, which originated in your House.

They have passed a resolution, which originated in your House, entitled a resolution directing the Governor to commission the several persons elected members of the medical boards.

They have passed bills, which originated in their House, entitled,

An act to enable the mayor and aldermen of the city of Mobile to pass quarantine laws ;

An act to authorize the stockholders of the Tombeckbe Bank to remove the same : in both of which they desire your concurrence.

And then he withdrew.

Mr. Jackson moved, that this House do now take up a bill, entitled an act to regulate the commissions of assessors and tax collectors ; which was carried.

The said bill was then read a second time, and ordered to be engrossed for a third reading to-morrow.

An engrossed bill, entitled an act to revise and amend an act, entitled an act to revise, consolidate and amend the several acts in relation to the militia of this state, was read a third time.

Mr. Fleming moved that the further consideration of said bill be postponed till the first day of March next ; which was lost.

Yeas 7.

Nays 46.

The yeas & nays being called for, those who voted in the affirmative are,

Mr. Adair	Dale	M'Lemore	Moore, of Mar.	Peyton—7.
Barclay	Fleming			

Those who voted in the negative, are,

Mr. Speaker	Goodhue	Lanier	Martin	Shotwell
Ashley	Hallett	Merriwether	Miller	Sargent
Beck	Harvey	M'Vay	Phillips	Skinner
Brown	Hill of T.	Moore, of mad	Philpott	Smith
Crenshaw	Hill, of Bibb,	Moore, of J.	Powell	Tindall
Creagh	Harrison	Mardis	Pickett	Vining
Deanis	Jackson	Mead	Perkins	Whitaker
Fields	Jones	M'Laughlin	Salter	Weissinger
Fitts	Lister	Manly	Sims	Young—45.
Flaker				

Mr. Adair moved the following amendment, by way of rider :
 “ And be it further enacted, that from and after the passage of this act no freeman of this state shall be fined for not parading at any muster authorized by this law, provided he answers to his name when called, or if any person present will vouch for his being still in the bounds of his proper company, battalion or regiment, as the case may be ;” which was rejected—Yeas 8, Nays 45.

The yeas and nays thereon being called for, those who voted in the affirmative, are,

Mr. Adair	Fitts	Moore, of Mar.	Martin	Peyton—8.
Barclay	Hallett	Mead		

Those who voted in the negative, are,

Mr. Speaker	Fluker	Lister	Manley	Shotwell
Ashley	Goodhue	Lanier	Miller	Sargent
Beck	Harvey	Merriwether	Phillips	Skinner
Brown	Hill, of T.	M'Lemore	Philpott	Smith
Crenshaw	Hill, of B.	M'Vay	Powell	Tindall
Creagh	Harrison	Moore, of Mad.	Pickett	Vining
Dale	Jackson	Moore, of J.	Perkins	Whitaker
Dennis	Jones	Mardis	Salter	Weissinger
Fields	King	M'Laughlin	Sims	Young—45.

The bill was then passed.

Ordered, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

A communication was received from the Governor, by Mr. Pleasants, secretary of state, notifying this House that the Governor did, on this day approve and sign,

An act to provide for the choosing electors of President and Vice-President of the United states ;

An act to divorce Margaret Toney from her husband, Charles Toney ;

An act to divorce Mary H. Judge from her husband, Wm. Judge ;

An act to divorce Sarah Ann Newman from her husband, Francis Newman ; and,

An act to divorce Tempy Williams from her husband, George Williams ; all of which originated in the House of Representatives. And then he withdrew.

Mr. Fitts, from the joint committee on enrolled bills, Reported, that the committee had examined and found correctly enrolled a bill, entitled an act to establish a certain county therein named :

An engrossed bill, entitled an act to amend the laws regulating judicial proceedings, was read the third time and rejected.

Yeas 9.

Nays 43.

The yeas and nays being required thereon, those who voted in the affirmative, are,

Mr. Speaker	Creagh	Moore, of J.	mead	Young—9.
Ashley	M'Vay	Mardis	Martin	

Those who voted in the negative, are,

Mr. Adair	Fluker	Jones	Miller	Sargent
Beck	Fleming	King	Phillips	Skinner
Brown	Goodhue	Lister	Philpott	Smith
Barclay	Hallett	Lanier	Powell	Tindall
Crenshaw	Harvey	Merriwether	Peyton	Vining
Dale	Hill, of T.	Moore of Mad.	Perkins	Whitaker
Dennis	Hill, of Bibb,	Moore, of Mar.	Salter	Weissinger—42.
Fields	Harrison	M'Laughlin	Sims	
Fitts	Jackson	Manly	Shotwell	

An engrossed bill, entitled an act to authorize Claiborne Wright and his associates to open a channel in a certain part of the Tennessee River ; was read a third time and passed—Yeas 42, Nays 11.

The yeas and nays being required thereon, those who voted in the affirmative, are,

Mr. Speaker	Fields	M'Lemore	Powell	Skinner
Adair	Fluker	Moore of Mad.	Peyton	Smith
Ashley	Fleming	Moore of J.	Pickett	Tindall
Beck	Hallett	Moore of Mar.	Perkins	Vining
Brown	Harvey	Mardis	Salter	Whitaker
Barclay	Hill, of T.	mead	Sims	Weissinger
Crenshaw	King	M'Laughlin	Shotwell	Young---42.
Dale	Lister	Martin	Sargent	
Dennis	Lanier	Phillips		

Those who voted in the negative, are,

Mr. Barclay	Harrison	Jones	M'Vay	Miller
Fitts	Jackson	Merriwether	Manly	Philpott—11.
Goodhue				

Ordered, That the title be as aforesaid.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Lyon, their secretary : *Mr. Speaker*, The Senate have passed bills, which originated in your house, of the following titles, to wit : An act to establish certain election precincts therein named ; An act to amend an act, entitled an act to appoint commissioners, to lay out certain roads therein specified, and for other purposes.

They disagree to the amendments made by your honorable body to the bill, entitled an act to repeal so much of an act passed on the 15th day of December, 1821, as allows Samuel Dale for life the half pay of a colonel in the army of the United States. And then he withdrew.

A bill from the Senate, entitled an act to authorize the mayor and aldermen of the city of Mobile, to pass quarantine laws ; was read a first time. And the rule being suspended, it was read a second and third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

A bill from the Senate, entitled an act to authorize the stockholders of the Tombeckbe Bank, to remove the same ; was read a first time : and the rule being suspended, it was read a 2d and 3d time & passed. *Ordered*, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Lyon, their secretary ;

Mr. Speaker, the Senate have passed a bill, which originated in their House, entitled an act for the relief of the tax collectors of certain counties therein named ; in which they desire your concurrence.

They have passed a bill, which originated in your House, entitled an act to authorize the administrators of Walter Otey, deceased, to sell certain real estate. And then he withdrew.

Mr. Adair moved that the bill, entitled an act to repeal so much of an act, passed on the 15th day of Dec'r. 1821, as allows Samuel Dale for life, the half pay of a colonel in the army of the United States, lie on the table ; which was lost—Yeas 25, Nays 27.

The yeas & nays being called for, those who voted in the affirmative, are,

Mr. Speaker	Crenshaw	Harvey	Lanier	Martin
Adair	Creagh	Hill, of T.	M'Lemore	Phillips
Ashley	Dennis	Jackson	Moore of J.	Pickett
Beck	Fields	Jones	Mardis	Salter
Barclay	Hallett	Lister	Mead	Young—23.

Those who voted in the negative, are,

Mr. Brown	King	Manly	Sims	Vining
Fitts	Merriwether	Miller	Shotwell	Whitaker
Fluker	M'Vay	Philpott	Sargent	Weissinger—27.
Goodhue	Moore, of Mad.	Powell	Skinner	
Hill of B.	Moore of Mar.	Peyton	Smith	
Harrison	M'Laughlin	Perkins	Tindall	

And then the House adjourned till to-morrow morning, 10 o'clock.
Saturday, December 27.

Mr. Hallett, from the select committee, to whom was referred the petition of Nathaniel Littlefield and Gorham Davenport, agents of the administratrix of Oliver Holman, deceased; reported a bill, to be entitled an act to authorize the administratrix of Oliver Holman, deceased, late of the county of Mobile, to sell real estate; which was read a first time, and the rule being dispensed with, it was read a second time forthwith, and ordered to be engrossed for a third reading to-morrow.

Mr. Adair, from the select committee, to whom was referred a bill, entitled an act to authorize Rodah Horton, and associates, to construct a turnpike road therein named; reported said bill with amendments, in which the House concurred. *Ordered*, That said bill be engrossed for a third reading on Monday next.

Mr. Jackson, from the select committee, to whom was referred a bill, entitled an act concerning billiard tables; moved that said committee be discharged from the further consideration of said bill:— which was carried.

Mr. Jackson from the select committee to whom was referred a bill, entitled an act to incorporate the town of Florence in the county of Lauderdale; reported said bill without amendment. *Ordered*, That said bill be engrossed & be read a third time on Monday next.

Mr. Jones, from the military committee, to whom was referred the quarter master general's annual report, and a communication from the Governor respecting the public arms hereafter to be received; reported that as the subject matter therein contained, has been embraced in a bill, which has passed this House, the committee ask to be discharged from the further consideration thereof. And the committee were discharged accordingly.

Mr. Mead, from the committee on roads, bridges, ferries, &c. to whom was referred various petitions of the inhabitants of Dallas county, moved that the said committee be discharged from the further consideration thereof; which was carried.

Mr. Phillips moved that this House do now take up a bill, to be entitled an act to prescribe the mode of collecting moneys due the University, which was carried.

The said bill was then read a second time and referred to a select committee, consisting of Messrs. Philpott, Phillips, Adair, & Perkins.

Mr. Fitts, from the joint committee on enrolled bills, Reported, that said committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to repeal part of an act, entitled an act to appoint commissioners for certain counties therein named, and for other purposes; passed Dec. 18, 1821;

An act to divorce Jane Kelly from her husband, James Kelly;

An act divorcing Robert Blassingam from Elizabeth Blassingam;

An act divorcing Drury Connally from Nancy Connally;

An act to authorize the administrators of Walter Otey, deceased, to sell real estate;

An act to repeal in part, an act declaring certain roads therein named public roads, until otherwise provided for by law, passed Dec, 24, 1822;

An act to establish certain election precincts therein named;

An act to amend an act entitled an act, to appoint commissioners to lay out certain roads therein specified, and for other purposes;

Resolution directing the Governor to commission the several persons elected members of the Medical Boards.

The House then took into consideration a bill, entitled an act to repeal so much of an act passed on the 15th day of December 1821, as allows Samuel Dale for life, the half pay of a colonel in the army of the United States.

Mr. Philpott moved that this House insist on the following amendment made by this House, to said bill:

Sec. 2. *And be it further enacted*, That the said Samuel Dale shall receive the sum of three hundred dollars, payable in three annual instalments, in lieu of the compensation now allowed by law for the services he has rendered to the state, and the losses, which he has sustained in its defence; and the comptroller, is hereby required to issue his warrant upon the treasury for the said sum of 300 dollars; which motion was rejected.—Yeas 23. Nays 29.

The yeas & nays being required, those who voted in the affirmative, are,

Mr. Speaker	Crenshaw	Haines	McLemore	Philpott
Adair	Creagh	Jackson	Moore of J.	Salter
Ashley	Dennis	Jones	Mardis	Young—23.
Beck	Hallett	Lister	Martin	
Barclay	Harvey	Lanier	Phillips	

Those who voted in the negative, are,

Mr. Brown	Hill of B.	Moore of Mar.	Peyton	Smith
Fields	Harrison	Mead	Perkins	Tindall
Fitts	King	M'Laughlin	Sims	Vining
Fluker	Merriwether	Manly	Shotwell	Whitaker
Goodhue	McVay	Miller	Sargent	Weissinger—29.
Hill, of T.	Moore, of Mad.	Powell	Skinner	

Mr. Philpott moved, That this House do recede from the following amendment to said bill:

Sec. 3. *And be it further enacted*, That this act shall take effect, from and after the first day of January next; which motion was carried.

Yeas 29

Nays 22.

The yeas & nays being required, those who voted in the affirmative, are,

Mr. Brown	Hill, of Bibb	Moore, of Mar.	Peyton	Smith
Barclay	Harrison	M'Laughlin	Perkins	Tindall
Fitts	King	Manly	Sims	Vining
Fluker	Merriwether	Miller	Shotwell	Whitaker
Goodhue	McVay	Philpott	Sargent	Weissinger—29.
Hill of T.	Moore, of Mad.	Powell	Skinner	

Those who voted in the negative, are,

Mr. Speaker	Creagh	Jackson	Moore, of J.	Salter
Adair	Dennis	Jones	Mardis	Young—22.
Ashley	Hallett	Lister	Mead	
Beck	Harvey	Lanier	Martin	
Crenshaw	Haines	McLemore	Phillips	

Ordered, That the clerk inform the Senate, That this House recede from their amendments to said bill.

Engrossed bills of the following titles, to wit:

An act to authorize the president and trustees of the University of Alabama to dispose of the lands belonging to said institution, by admitting entries;

An act in relation to seamen belonging to vessels in merchants' service;

An act to amend the charter of the Tombeckbe Bank;

An act to emancipate a certain slave named Letitia;

An act to provide for the payment of state witnesses;

An act for the further organization of the militia, in the counties of Pike and Covington;

An act to authorize William Black, and his associates to erect a toll bridge over Gravelly creek; An act to compel parties to a suit, who plead the loss of any instrument in writing, under which they claim a benefit, to make oath to the truth of such pleading; An act regulating appeals from the county court to the circuit court; An act to incorporate the town of Greenville, in the county of Butler: were severally read a third time and passed.

Ordered, That the titles be as aforesaid.

Ordered, That the clerk inform the Senate thereof.

An engrossed bill, entitled an act to amend the charter of the Planters' and Merchants' Bank of Huntsville; and to provide for the speedy resumption of specie payments thereby: was read a third time and passed. Yeas 46 Nays 7.

The yeas & nays being required, those who voted in the affirmative, are,

Mr. Speaker	Fields	King	M ^c Laughlin	Skiener
Adair	Fleming	Lister	Martin	Smith
Ashley	Goodhue	Lanier	Phillips	Tisdall
Beck	Hallett	Merriwether	Philpott	Vining
Brown	Harvey	M ^c Lemore	Powell	Whitaker
Barclay	Hill of T.	M ^c Vay	Peyton	Weissinger--46.
Crenshaw	Hill of B.	Moore of Mad.	Pickett	
Creagh	Haines	Moore of Mar.	Perkins	
Dale	Jackson	Mardis	Salter	
Dennis	Jones	Mead	Sargent	

Those who voted in the negative, are,

Mr. Fitts	Harrison	Miller	Shotwell— 7.
Fluker	Moore, of J.	Sims	

Ordered, That the title be as aforesaid.

Ordered, That the clerk inform the Senate thereof.

A bill from the Senate, entitled an act for the relief of the tax collectors, in certain counties therein named; was read a first time, and ordered to be read a second time on Monday next.

Ordered, That the bill, entitled an act to authorize the judge of the county court, and the commissioners of the roads and revenue of Mobile county, to levy an extra tax for the building a court house and jail in said county; be laid on the table.

An engrossed bill, entitled an act to establish a certain road therein named; was read a third time and passed.

Mr. Haines moved to amend the title of said bill by adding thereto, the words "and for other purposes;" which was carried.

A message from the Senate, by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have passed bills which originated in their House, entitled an act supplemental to an act to establish the Bank of the State of Alabama; An act to improve the navigation of the Coosa river, and to aid in its connection with the Tennessee waters; and A resolution authorizing the comptroller to receive all moneys and notes from the rents of reserved lands in the town of Cahawba; in all of which they desire your concurrence.

They have passed bills, which originated in your House, entitled an act for the relief of Benjamin Hatch; An act to incorporate the Flint river navigation company in Morgan county; An act to authorize Young A. Gray, to convey certain real estate therein mentioned; and, An act to allow the administrators of Aaron Murphy, deceased, to convey a certificate therein mentioned. And then he withdrew.

Mr. Fitts, from the committee on enrolled bills, reported. That said committee had examined and found correctly enrolled, bills of the following titles, to wit: An act authorizing Richard Inge, and Greene Hill, executors of the last will and testament of John J. Inge, decd. to sell and convey real estate; An act to establish the town of Carthage in Tuskaloosa county; An act to amend the several acts, for the settlement and relief of the poor; An act to authorize Rebecca Fletcher to emancipate a certain slave therein named; resolution respecting the further distribution of the laws of this state; and, a resolution providing more effectually for the trial of the writ

of quo warranto, now depending in the fifth judicial circuit against the Planters' and Merchants' Bank of Huntsville.

Resolution authorizing the comptroller of public accounts to receive all moneys and notes arising from the rents of the reserved lands, in the town of Cahawba; was read a first time, and ordered to be read a second time on Monday next.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker; the Senate have adopted the following resolution:

Resolved, That a message be sent to the House of Representatives, informing them that the Senate have nearly completed the business before them; and will be ready to adjourn *sine die*, this evening at 10 o'clock. And then he withdrew.

Ordered, That said resolution lie on the table.

A bill, entitled an act to allow Henry Hitchcock compensation for superintending the printing the Digest of the statutes of this state, and making an Index for the same; was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill, entitled an act dividing the 22d regiment of Alabama militia; was read a second time, and ordered to be engrossed for a 3d reading on Monday next.

Bills from the Senate, of the following titles, to wit:

An act to prevent fraudulent conveyances; An act pointing out the manner by which the streets in the towns of Tuscaloosa and Montgomery shall be kept in good order, and for other purposes; were severally read a third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

Ordered, That Messrs. Ashley, Merriwether and Vining have leave of absence for the remainder of the session.

A bill from the Senate, entitled an act supplementary to an act to establish the bank of the State of Alabama; was read the 1st time: and the rule being suspended, it was read a second and third time and passed.

Ordered, That the clerk acquaint the Senate therewith.

A bill, from the Senate, entitled an act to improve the navigation of the Coast, and to aid in its connexion with the Tennessee waters; was read a first time: and the rule being dispensed with, it was read a second time and referred to a select committee, consisting of Messrs. Mardis, Pickett, Tindall and Mead.

A bill from the Senate, entitled an act restricting officers from taking commissions on costs collected by them on executions; was read a 3d time and passed.

Ordered, That the clerk inform the Senate thereof.

A resolution from the Senate, entitled a resolution concerning the district court of the United States; was read a second time: and the rule being dispensed with, it was read a 3d time and passed.

Ordered, That the clerk inform the Senate thereof.

And then the House adjourned till 2 o'clock this evening.

Evening, 2 o'clock.

Bill from the Senate, entitled an act to appoint commissioners to improve the navigation of the Tennessee River; was read a third time and passed—Yeas 27, Nays 23.

The yeas and nays thereon being required, those who voted in the affirmative, are,

Mr. Speaker	Goodhue	Lister	Mead	Pickett
Adair	Hallett	McVay	Nanly	Perkins
Barclay	Harvey	Moore of J.	Martin	Smith
Creagh	Hill, of T.	Moore of Mar.	Phillips	Tindall
Felts	Jackson	Mardis	Philpott	Whitaker—27.
Fleming	Jones			

Those who voted in the negative, are,

Mr. Beck	Flaker	Lanier	Powell	Shotwell
Brown	Hill, of Bibb,	McLemore	Peyton	Sargent
Crenshaw	Harrison	Moore of Mad.	Salter	Skinner
Dennis	Haines	McLaughlin	Sims	Weissinger—23.
Fields	King	Miller		

Ordered, That the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have passed bills, originating in your House, of the following titles, to wit;

An act for the further organization of the militia in the counties of Pike and Covington;

An act to emancipate a certain slave named Letitia;

An act to establish a certain road therein named; which latter they have amended, and in which amendment they desire your concurrence;

An act to incorporate the town of Greeneville in the county of Butler;

An act to authorize William Black and his associates to erect a toll bridge over Gravelly Creek. And then he withdrew.

A bill from the Senate, entitled an act to repeal in part and amend an act supplementary to an act, to establish a State University, passed Dec. 18, 1821; was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Phillips, from the select committee, to whom was referred a bill, entitled an act to prescribe the mode of collecting the moneys due the University, reported said bill without amendment.

Ordered, That said bill be engrossed for a third reading on Monday next.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—The Senate concur in the amendment made by your honorable body, to the bill, entitled an act to appoint commissioners to improve the navigation of the Tennessee River. And then he withdrew.

Mr. Perkins, from the select committee, appointed to wait on the Hon. William I. Adair, the late speaker, and request a copy of the address made by him to the House on resigning the chair, Reported, that said committee had performed that duty, and received from Mr. Adair the following reply:

CAHAWBA, DECEMBER 24, 1823.

Gentlemen:—I duly appreciate the honor done me by the resolution which you, as a committee on the part of the House of Representatives, have presented, requesting permission to spread on the journal, the short address delivered by me on resigning the chair, and requesting a copy for that purpose. That address was unpremeditated, and consequently never reduced to writing. It was a candid and simple expression of my feelings at the moment. So far as it possessed any thing worthy of being remembered, it will not be forgotten by those to whom it was addressed; and for whom alone it was intended. Be pleased to accept for yourself and indivi-

dually, and for the body you represent, my warmest wishes for your prosperity and happiness.

W. I. ADAIR.

Messrs. Perkins, Gayle and Jackson, a committee, &c.

Ordered, That said reply be spread upon the journal.

A bill from the Senate, entitled an act to authorize William E. Dupree to emancipate a certain slave therein named; was read a 3d time and passed.

Ordered, That the Senate be informed thereof.

Mr. Philpott moved that the further consideration of a bill, entitled an act to appoint commissioners to inquire into the situation of the state and county funds in the county of Clarke, be indefinitely postponed; which was carried.

Bill to be entitled an act to compensate Ferdinand Sannoner for a map of the state of Alabama; was read a second time, and ordered to be engrossed for a 3d reading on Monday next; A bill to be entitled an act authorizing a lottery to aid in the improvement of the navigation of Indian Creek; was read a second time.

Mr. Brown moved that the further consideration of said bill be indefinitely postponed; which motion was rejected—yeas 15, nays 34.

The yeas and nays being required, those who voted in the affirmative are,

Mr. Speaker	Dennis	Hill of T	Jackson	Philpott
Brown	Fields	Harrison	Mardis	Sims
Creagh	Goodhue	Haines	Manly	Skinner—15

Those who voted in the negative, are,

Mr. Adair	Hallett	M'Vay	Miller	Sargent
Beck	Harvey	Moore of Mad.	Phillips	Smith
Barclay	Hill of B.	Moore of Mar.	Peyton	Tindall
Creeshaw	Jones	Moore of J.	Pickett	Whitaker
Dale	King	Mead	Perkins	Weissinger
Fitts	Lister	M'Laughlin	Salter	Young--34.
Fleker	Lanier	Martin	Shotwell	

Said bill was then referred to a select committee, consisting of Messrs. Miller, Jackson, Adair and Lanier.

Bill, entitled an act to alter the time of holding the session of the supreme court, was read a second time.

Mr. Philpott moved that the further consideration of said bill be indefinitely postponed; which was carried.

Bills, entitled an act to authorize David Dickinson, Reuben Hays and William Hays, to emancipate certain slaves therein named; and

An act for the relief of state witnesses attending out the county in which the offence was committed, and for other purposes; were severally read a second time, and ordered to be engrossed for a third reading on Monday next.

A bill, entitled an act for the relief of Thomas Phillips, was laid on the table.

A bill, entitled an act in relation to the 16th sections, was read a second time, and laid on the table.

An engrossed bill, entitled an act regulating the fees of justices and constables, was read a third time and passed—Yeas 26, Nays 25.

The yeas & nays being required, those who voted in the affirmative, are,

Mr. Barclay	King	Mead	Powell	Skinner
Fitts	Lanier	Manly	Peyton	Smith
Goodhue	M'Vay	Martin	Perkins	Tindall
Hill of T.	Moore of Mad.	Miller	Shotwell	Whitaker
Jackson	Moore of J.	Philpott	Sargent	Young--26.
Jones				

Those who voted in the negative, are,

Mr. Speaker	Creagh	Hallett	Lister	Phillips
Ashley	Dale	Harvey	M'Lemore	Pickett
Beck	Dennis	Hill of B.	Moore of Mar.	Salter
Brown	Fields	Harrison	Mardis	Sims
Crenshaw	Fluker	Haines	M'Laughlin	Weissinger

Ordered. That the title be as aforesaid.

Ordered. That the clerk acquaint the Senate therewith.

A memorial from the Senate of the General Assembly of the state of Alabama to the Congress of the U. States, was read a 2d time, and the rule being suspended, it was read a 3d time forthwith, & passed.

Ordered. That the clerk inform the Senate thereof.

Engrossed bills of the following titles, to wit: An act to change the state road, and for other purposes; An act to repeal in part and amend an act, entitled an act to incorporate the town of Athens, in Limestone county, passed the 19th day of November, 1818; An act to emancipate the persons therein named; and, An act for the better regulating the public officers in the several counties of this state; were severally read a third time, and passed.

Ordered. That the titles be as aforesaid.

Ordered. That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Lyon, their secretary:

Mr. Speaker—The Senate concur in the amendments made by your honorable body to the bill, entitled an act to authorize William E. Dupree to emancipate a certain slave named Billy; also to the memorial of the General Assembly of the state of Alabama to the Congress of the United States. And then he withdrew.

And then the House adjourned till 7 o'clock.

Evening, 7 o'clock.

On motion of Mr. Jackson, *Resolved*, That the Senate be informed that this House is now ready to receive them in the west end of their Hall, to go into the election of a commissioner of the loan, and a judge of the county court of Walker county.

Ordered. That the clerk carry said resolution to the Senate.

The Senate having repaired to the hall of this House, the two Houses proceeded to elect a commissioner of the loan for the State Bank. Thomas H. Wiley being the only person in nomination, the votes were,

For him, 64.

The speaker thereupon declared him duly elected a commissioner of the loan for the State Bank.

Those who voted for Mr. Wiley, are,

Mr. President	Wood	Fleming	Moore of Mad.	Pickett
Coats	Mr. Speaker	Goodhue	Moore of J.	Perkins
Conner	Adair	Hallett	Moore of Mar.	Salter
Crabb	Beck	Harvey	Mardis	Sims
Devereux	Brown	Hill of T.	Mead	Shotwell
Hopkins	Barclay	Hill of B.	Manly	Sargent
M'Camy	Crenshaw	Harrison	M'Laughlin	Skinner
Metcalf	Creagh	Jackson	Martin	Smith
Moore	Dale	Jones	Miller	Tindall
M'Vay	Dennis	Lister	Phillips	Whitaker
Powell	Fields	Lanier	Philpott	Weissinger
Shackleford	Fitts	M'Lemore	Powell	Young—64.
Smith	Fluker	M'Vay	Peyton	

The two Houses then proceeded to the election of a judge of the county court of Walker county.

David Murphy, sen. being in nomination, and the same persons voting for him that voted for Mr. Wiley as above, together with Mr.

Casey, the Speaker declared him duly elected the judge of the county court of Walker county.

And then the House adjourned till Monday morning 10 o'clock.

Monday, December 29.

Mr. Manly, from the select committee, to whom was referred a bill, entitled an act concerning executions, and for other purposes, Reported. That said committee ask to be discharged from the further consideration of said bill, as there is a bill now before this House embracing the objects of this: and the said committee were accordingly discharged.

Mr. Miller, from the committee on county boundaries, to whom was referred the petition of sundry people of Wilcox, moved that said committee be discharged from the further consideration thereof; which was carried.

Mr. Hardy, from the select committee, to whom was referred a bill, entitled an act to improve the navigation of the Coosa, and to aid in its connexion with the Tennessee waters, reported said bill without amendment.

Mr. Mardis also presented a memorial to the General Assembly on the same subject; which was laid on the table.

The bill was then read a third time, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Fitts, from the joint committee on enrolled bills, reported that said committee had examined, and found correctly enrolled bills of the following titles, to wit: An act to allow the administrators of Aaron Murphy, deceased, to convey a certificate therein mentioned; An act to authorize William Black and his associates to erect a toll bridge over Gravelly Creek; An act to authorize Young A. Gray to convey certain real estate therein mentioned; An act for the relief of Benjamin Hatch; An act to emancipate a certain slave named Letitia; An act for the further organization of the militia in the counties of Pike and Covington; An act to incorporate the town of Greenville, in the county of Butler; An act to incorporate the Flint River Navigation Company, in Morgan county; and, An act to establish a certain road therein named, and for other purposes.

Mr. Beck presented sundry accounts; which were received and referred to the committee on accounts.

Engrossed bills of the following titles, to wit; An act to compensate Ferdinand Sannouer for a map of the state of Alabama; An act amendatory of the laws now in force respecting roads; An act to permit Julius Chamberlain to vend goods in this state; An act to authorize Rodah Horton and associates to construct a turnpike road therein named; An act to incorporate the trustees of Claiborne Academy; An act to provide for the sale of land and slaves in the towns of Courtland and Tuscumbia, in certain cases; and, An act to authorize William Blake to emancipate a negro man slave, named Jacob; were severally read a third time, and passed.

Ordered, That the titles be as aforesaid.

Ordered, That the clerk inform the Senate thereof.

Mr. Miller, from the select committee, to whom was referred a bill, entitled an act authorizing a lottery to aid in the improvement of the navigation of Indian Creek, reported the same without amendment. The bill was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate, by Mr. Lyon, their secretary.

Mr. Speaker—The Senate concur in the amendment made by your honorable body to a bill, entitled an act to repeal in part and amend an act, entitled an act supplementary to an act to establish a state university, passed December 18, 1822, and have amended your amendment, by striking out all after the word "provided," and substituting an amendment in lieu thereof; in which they desire your concurrence. *Ordered*, That this House disagree to said amendment of the Senate.

Ordered, That the clerk inform the Senate thereof.

Ordered, That a bill, entitled an act to alter the times of holding courts in the 1st, 2d, and 6th judicial circuits, be referred to a select committee: Whereupon, Messrs. Jackson, Crenshaw, Creagh, Mardis, Perkins, Jones and Martin, were appointed said committee.

Mr. Phillips presented the account of Jesse Beene, clerk of the supreme court; which was received, and referred to the committee on accounts.

Mr. Fitts, from the committee on enrolled bills, reported that said committee had examined and found correctly enrolled, a bill, entitled an act to establish regular justices' courts in this state.

An engrossed bill, entitled an act to fix the permanent seat of justice in Pickens county, was read a third time, and lost.

Mr. Jackson moved, that this House do now take into consideration a bill, entitled an act to allow Henry Hitchcock, Esquire, compensation for superintending the printing the Digest, and making the index for the same; which was carried.

The blank in the second section of said bill, which relates to making compensation to the legal representatives of Harry Toulmin, deceased, for a table of contents for said Digest; being under consideration.

Mr. Martin moved to fill said blank with the words "five hundred" before dollars, which was lost—Yeas 5, Nays 46.

The yeas and nays thereon being required, those who voted in the affirmative, are,

Mr. Creagh	Dale	Haines	Lister	Martin—5.
Those who voted in the negative, are,				
Mr. Speaker	Fleming	King	Manley	Sims
Adair	Goodhue	M'Lemore	Miller	Shotwell
Beck	Hallett	M'Vay	Phillips	Sargent
Brown	Harvey	Moore, of Mad.	Philpott	Skinner
Barclay	Hill, of T.	Moore, of J.	Powell	Smith
Crenshaw	Hill, of B.	Mardis	Peyton	Tindall
Dennis	Harrison	Moore, of Mar.	Pickett	Whitaker
Fields	Jackson	Mead	Perkins	Weissinger
Fitts	Jones	M'Laughlin	Salter	Young—46.
Fluker				

Mr. Weissinger moved to fill said blank with the words "two hundred," which was lost—Yeas 12, Nays 39.

The yeas and nays being required thereon, those who voted in the affirmative, are,

Mr. Adair	Dale	Haines	Martin]	Weissinger
Crenshaw	Hallett	Lister	Pickett	Young—12.
Dennis	Harvey			

Those who voted in the negative, are,

Mr. Speaker	Fleming	M'Lemore	Mauly	Shot
Beck	Goodhue	McVay	Yeller	Shotwell
Brown	Hill, of T.	Moore of Mad.	Phillips	Sargent
Barclay	Hill, of B.	Moore of J.	Philpott	Skinner
Creagh	Harrison	Moore of Mar.	Powell	Smith
Fields	Jackson	Mordis	Peyton	Tindall
Fitts	Jones	Mead	Perkins	Whitaker--39.
Fluker	King	M'Laughlin	Salter	

Mr. Adair moved to fill said blank with the words "one hundred and fifty," which was lost—Yeas 24, Nays 27.

The yeas and nays being required thereon, those who voted in the affirmative, are,

Mr. Speaker	Hallett	Jackson	Moore, of Mar.	Pickett
Adair	Harvey	Jones	Mordis	Perkins
Crenshaw	Hill of T.	Lister	Mauly	Weissinger
Dale	Harrison	M'Lemore	Martin	Young--2f.
Dennis	Haines	Moore, of J.	Phillips	
Mr. Beck	Fluker	Moore, of mad	Powell	Sargent
Brown	Fleming	Mead	Peyton	Skinner
Barclay	Goodhue	M'Laughlin	Salter	Smith
Creagh	Hill, of Bibb,	Miller	Sims	Tindall
Fields	King	Philpott	Shotwell	Whitaker--27.
Fitts	McVay			

The blank was then filled with "one hundred."

The said bill was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

A communication was received from the Governor, by J. J. Pleasants, secretary of state, notifying this House that the Governor did, on this day approve and sign, An act to repeal part of an act, entitled an act to appoint commissioners for certain roads therein named, and for other purposes, passed Dec. 18, 1821; An act divorcing Drury Connally from his wife, Nancy Connally; An act divorcing Jane Kelly from her husband, James Kelly; An act divorcing Robert Blassingam from Elizabeth Blassingam; An act to repeal in part an act, entitled an act declaring certain roads therein named, public roads until otherwise provided for by law, passed Dec. 24th, 1822; An act to establish certain election precincts therein named; An act to amend an act entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes; An act to authorize the administrators of Walter Otey, deceased, to sell certain real estate; and, Resolution directing the Governor to commission the several persons elected members of the Medical Boards; all of which originated in this House.

A communication from the Senate, by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have passed bills, which originated in your House, entitled an act, to repeal in part and amend an act, entitled an act to incorporate the town of Athens in Limestone county, passed the 19th day of November, 1818; An act to emancipate the persons therein named: An act to compensate Ferdinand San-
noner for a map of the state of Alabama; and, An act for the better regulating the public officers in the several counties in this state; which latter they have amended, and in which amendment they desire your concurrence.

They insist on their amendment to the amendment made by your honorable body to the bill, entitled an act to repeal in part and amend an act entitled an act supplementary to an act, to establish a State University, passed Dec. 18, 1821. And then he withdrew.

Ordered, That the House concur in the amendments made by the

Senate to the bill, entitled an act for the better regulating the public officers in the several counties in this state.

And then the House adjourned till 3 o'clock this evening.

Evening—3 o'clock.

Mr. Jackson, from the select committee, to whom was referred a bill, entitled an act to alter the times of holding courts in the 1st, 2d and 6th judicial circuits, reported said bill with amendments, in which the House concurred. The bill was then read a 3d time and passed. *Ordered*, That the clerk inform the Senate thereof.

Mr. Jackson, from the select committee, to whom was referred a report of the treasurer made in pursuance of the resolution of this House, Reported, that said committee ask to be discharged from the further consideration thereof. And the committee was discharged accordingly.

On motion of Mr. Jackson, *Ordered*, That said report be spread on the journals.

Report of the aggregate amount of money received into the State Treasury on account of sales of town lots in Cahawba, and for the rents of University lands; also what amount has been paid out of the proceeds of said sales and rents of the lands aforesaid, as directed by law: what amount has been paid out of the three per cent. fund; and the amount of Treasury Notes in circulation at this date.

Total am't of money rec'd into the treasury for payments on lots in Cahaba 44960 31 3-4

Paid out of this fund the following sums, to wit:

The late Gov. Wm. W. Bibb, the amount overpaid by him to the treasury, on the first sale of lots,	\$120 00	
John Boyce, interest refunded on three lots,	59 54	
Building bridge over the Cahawba river,	4000 00	
Enclosing the state house, & making shutters to the windows	697 97	
Additional compensation allowed to D. & N. Crocherson for building the state-house,	4490 00	9367 51
Leaving a balance of		35582 90 3-4
Received on account of the rents of university lands,		5877 46 1-4
Paid for surveying seminary lands,	856 73	
Trustees of the University,	2427 18 1-2	
Commissioners for leasing the lands,	476 88 1-4	
Contingent charges upon this fund,	508 60	3203 73 3-4

Leaving of this fund an unexpended balance of 1998 67 1-2

There has been paid out of the three per cent fund 774 00

The treasury notes in circulation at this date amount to 9800 00

Dec. 5, 1823.

JOHN C. PERRY, *State Treasurer.*

Ordered, That this House insist on their disagreement to the amendment made by the Senate, to their amendment to the bill, entitled an act to repeal in part and amend an act entitled an act supplementary to an act to establish the State University, passed Dec. 18, 1821.

Ordered. That Messrs. Jackson, Jones, Philpott, Fields, Phillips and Perkins be appointed a committee, to act with such committee as may be appointed by the Senate, upon the disagreement between the two Houses, in relation to said amendment.

Ordered, That the clerk acquaint the Senate therewith.

A bill from the Senate, entitled an act to incorporate the Limestone and Flint River Navigation Companies; was read a third time and passed. *Ordered*, That the clerk acquaint the Senate therewith.

An engrossed bill, entitled an act to regulate the commissions of assessors and tax collectors; was read the 3d time and passed.

Ordered. That the title be as aforesaid.

Ordered. That the clerk inform the Senate thereof.

A bill from the Senate, entitled an act appropriating the fines and forfeitures accruing in Madison county, to the benefit of Greene Academy; was read a third time and passed.

Ordered. That clerk inform the Senate thereof.

An engrossed bill, entitled an act to repeal the fifth section of an act, entitled an act amendatory of the laws now in force, for the relief of insolvent debtors; was read a third time.

Mr. Mardis moved that the further consideration of said bill be indefinitely postponed; which was carried—Yeas 32, Nays 18.

The yeas & nays being required, those who voted in the affirmative, are,

Mr. Speaker	Fitts	King	Mead	Skinner
Beck	Fluker	Lister	M'Laughlin	Smith
Brown	Fleming	M'Vay	Malley	Whitaker
Crenshaw	Goodhue	Moore, of mad.	Powell	Young---32.
Creagh	Hallett	Moore, of mar.	Perkins	
Dale	Harvey	Moore, of J.	Sims	
Fields	Jones	Mardis	Shotwell	

Those who voted in the negative, are,

Mr. Adair	Haines	Martin	Peyton	Tindall
Dennis	Jackson	Miller	Pickett	Weissinger---18.
Hill, of Bibb	Lanier	Phillips	Salter	
Harrison	M'LeMore	Philpott	Sargent	

An engrossed bill, entitled an act to amend the laws now in force in this state for the punishment of the crime of horse stealing; was read a third time and passed. Yeas 37. Nays 14.

The yeas & nays being required, those who voted in the affirmative, are,

Mr. Adair	Hallett	M'LeMore	Powell	Smith
Beck	Harvey	Moore of mad.	Peyton	Tindall
Brown	Harrison	Moore of mar.	Pickett	Whitaker
Dennis	Haines	Mauley	Perkins	Weissinger
Fitts	Jackson	Martin	Salter	Young---37.
Fluker	King	Miller	Shotwell	
Fleming	Lister	Phillips	Sargent	
Goodhue	Lanier	Philpott	Skinner	

Those who voted in the negative, are,

Mr. Speaker	Creagh	Hill of B.	Moore, of J.	M'Laughlin
Barclay	Dale	Jones	Mardis	Sims---14.
Crenshaw	Fields	M'Vay	Mead	

Ordered. That the title be as aforesaid.

Ordered. That the clerk inform the Senate thereof.

A message was received from the Senate by Mr. Lyon, their sec'y.

Mr. Speaker:—The Senate have passed bills, which originated in your house, entitled an act to provide for the payment of state witnesses; An act to amend the charter of the Planters' and Merchants' Bank of Huntsville, and to provide for the speedy resumption of specie payments thereby; and have amended the same:—in which amendment they desire your concurrence.

They concur in the amendments made by your honorable body to the bill, entitled an act to allow Henry Hitchcock, compensation for superintending the printing the digest, and making an index for the same. They have passed bills originating in your House, entitled,

An act in relation to seamen belonging to vessels in merchants' service; An act to authorize the President and Trustees of the University of Alabama, to dispose of the lands belonging to said institution, by admitting entries; An act to compel parties to a suit, who plead the loss of any instrument in writing under which they claim a benefit, to make oath to the truth of such pleading; An act to provide for the sale of lands and

slaves at the towns of Courtland and Tusculum, in certain cases; An act to authorise Wm. Blake to emancipate a certain negro man slave named Jacob; An act to incorporate the Trustees of the Claiborne Academy; An act to change the state road, and for other purposes: and have amended the latter, in which your concurrence is desired; and then he withdrew.

Ordered, That this house concur in the amendments made by the senate to the following bills, to wit: An act to amend the charter of the Merchants' and Planters' Bank of Huntsville; and to provide for the speedy resumption of specie payments thereby; and, An act to change the state road, and for other purposes. An engrossed bill, entitled an act in relation to the 16th sections—was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk inform the senate thereof.

Engrossed resolution, authorizing the comptroller of public accounts to receive all moneys and notes arising from the rents of reserved lands in the town of Cahawba; was read a second time, and the rule being suspended, it was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Bill from the Senate entitled an act for the relief of the tax collectors in certain counties therein named; was read a second time, and ordered to be read a third time to-morrow.

Bills from the Senate, entitled an act to declare Bassett's creek, in Clarke county, a public highway, and for other purposes; An act to authorize the judge of the county court & commissioners of roads and revenue of Mobile county, to lay an extra tax, for the purpose of building a court house and jail in said county, and for other purposes; were severally read a second time; and the rule being suspended, they were read a third time and passed. *Ordered*, That the clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have appointed a committee on their part, consisting of Messrs. Casey, Hopkins, Moore, Conner and Powell, to meet and confer with the committee appointed on the part of your honorable body, respecting the disagreement between the two Houses, in relation to the amendment made by the Senate to your amendment to the bill, entitled an act to repeal in part and amend an act, entitled an act supplementary to an act to establish a state university, passed December 18, 1821.

They concur in the amendments made by your honorable body to the bill, entitled an act to alter the times of holding courts in the 1st, 2d, 3d, and sixth judicial circuits. And then he withdrew.

Ordered, That Mr. Harvey have leave of absence during the balance of the session.

And then the House adjourned till 7 o'clock this evening.

Evening—7 o'clock.

Ordered, That Messrs. Sargent and Skinner have leave of absence after 2 o'clock to-morrow, for the balance of the session.

Mr. Hallett, from the committee on accounts, to whom was referred a bill, to be entitled an act making appropriations for certain claims against the state, reported said bill with sundry amendments, in which the House concurred.

Ordered, That said bill be engrossed for a 3d reading to-morrow.

Mr. Hallett obtained leave to introduce a bill, to be entitled an act making appropriations for the year 1824; which was read a first time, and the rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading to-morrow.

Engrossed bills, entitled an act to incorporate the town of Florence, in Lauderdale county; and an act dividing the 22d regiment of Alabama militia; were severally read a third time and passed.

Ordered, That the titles be as aforesaid.

Ordered, That the clerk inform the Senate thereof.

Mr. Fitts, from the joint committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles, to wit: An act to prevent fraudulent conveyances; An act pointing out the manner by which the streets in the towns of Tuscaloosa and Montgomery shall be kept in good order, and for other purposes; An act supplemental to an act, to establish the Bank of the state of Alabama; An act to appoint commissioners to improve the navigation of the Tennessee river; An act to amend the charter of the Tombeckbe Bank; An act to authorize the administrators of Isaac Edwards, deceased, to comply with the contracts of their intestate, respecting his real estate; An act to incorporate the Huntville Library company; An act to amend an act entitled an act to regulate the proceedings in the courts of law and equity in this state.

Engrossed bills, entitled an act to prescribe the mode of collecting monies due the University; An act for the relief of witnesses attending out of the county in which the offence was committed, and for other purposes; were severally read a third time and rejected.

And then the House adjourned till to-morrow morning 10 o'clock.

Tuesday, December 30.

A communication from the Senate, by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have passed bills, which originated in your House, entitled an act amendatory of the laws now in force in this state respecting roads, &c. which they have amended by striking out the second section thereof, and in which they desire your concurrence; An act to revise and amend an act, entitled an act to revise, consolidate, and amend the several acts relative to the militia of this state, to which they have made various amendments, and in which they desire your concurrence; An act to authorize Claiborne Wright and his associates, and Alexander G. Morgan and his associates, to make certain improvements in the navigation of the Tennessee river, to which they have also made various amendments; and in which they desire your concurrence.

Mr. Phillips, from the committee of ways and means, to whom were referred sundry memorials of the merchants of Triana, Florence, and Huntsville, on the subject of taxation on "sales of merchandize," reported the following resolution: *Resolved*, That sales of merchandize shall include an account of all articles sold by merchants in the course of their trade.

Ordered, That this House concur in said report.

A communication was received from the Governor, by Mr. Pleasants, secretary of state, notifying this House, that the Governor did on this day approve and sign, An act to authorize William Black and his associates, to erect a toll bridge over Gravelly creek; An act to allow the administrators of Aaron Murphy, deceased, to convey a certificate therein mentioned; An act to incorporate the Flint river navigation company in Morgan co; An act to incorporate the town of Greenville in the county of Butler; An act for the further organization of the militia in the counties of Pike and Covington; An act to emancipate a certain slave named Lemon; An act to authorize Young A. Gray to convey certain real estate therein mentioned; An act for the relief of Benjamin Hatch; An act to amend an act to

road therein named, and for other purposes ; all of which originated in this House.

Ordered, That this House disagree to the amendments made by the Senate to the bill, entitled An act authorizing Claiborne Wright and his associates, and Alexander G. Morgan and his associates, to make certain improvements in the navigation of the Tennessee river, by striking out the words *twenty-nine*, in the last line of the 5th section, and inserting in lieu thereof, *eighteen* ; by adding a proviso to the 5th section ; by adding the words *and keel*, after the word *bottomed* ; by inserting the words *ascending or after the word boats*, in the 2d line of the 7th section ; by striking out the words *in low tide* ; and by striking out the proviso in the 7th section. *Ordered*, That this House concur in the other amendments made by the Senate to said bill. *Ordered*, That the clerk inform the Senate thereof.

Mr. Adair moved that the bill, entitled an act to revise and amend an act, entitled an act to revise, consolidate and amend the several acts relative to the militia of this state, with the amendments made thereto by the Senate, be postponed till the third Monday of November next ; which was lost—Yeas 6, Nays 41.

The yeas and nays being required thereon, those who voted in the affirmative, are,

Mr. Adair Fleming Harrison Haines M. Lemoire Peyton—6.

Those who voted in the negative, are,

Mr. Speaker	Fluker	Lanier	Miller	Shotwell
Beck	Goodhue	Moore of mad.	Phillips	Sargent
Brown	Hallett	Moore of J.	Philpott	Skinner
Barclay	Hill of B.	Moore of Mar.	Powell	Smith
Crenshaw	Jackson	Mardis	Pickett	Tindall
Creagh	Jones	Mead	Perkins	Whitaker
Dennis	King	McLaughlin	Salter	Weisinger
Fields Fitts	Lister	Martin	Sims	Young—41.

A message from the Senate, by Mr. Lyon, then secretary : *Mr. Speaker*, The Senat concur in the report of the committee of conference appointed on their part to act with the one appointed on the part of your honorable body, respecting the disagreement between the two houses, in relation to the amendment made by your honorable body, to the bill, entitled An act to repeal in part and amend an act entitled an act supplementary to an act to establish a state University passed Dec. 18, 1821; which report is as follows : *Resolved*, that the bond to be given by the State Treasurer, be one hundred thousand dollars, agreeably to the provisions of the amendment made by the Senate. They disagree to the amendment made by your honorable to the bill, entitled An act appropriating the fines and forfeitures accruing in Madison county to the benefit of Greene Academy.* They concur in the amendments made by your honorable body to bills, of the following titles, to wit : An act to incorporate the Flint River Navigation Company ; An act to declare Bassett's creek in Clarke county a public highway : An act to authorize the judge of the county court and the commissioners of roads and revenue in Mobile county, to levy an extra tax for the purpose of building a court-house and jail in said county. They have passed a bill originating in your house, entitled An act to regulate the commissions of assessors and tax collectors : and have amended the same, in which they desire your concurrence.

They have passed a resolution, originating in their House, entitled resolution appointing commissioners of reserved lands in the town of Canawba ; in which they desire your concurrence. And then he withdrew.

An engrossed bill, entitled an act for the relief of Thomas Berry, was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the clerk inform the Senate thereof.

Mr. Jackson, from the committee of conference appointed by this House, to confer with the committee appointed by the Senate, on the disagreement between the two Houses concerning the amendment made by the Senate to the amendment made by this House to the bill, entitled an act to repeal in part and amend an act, entitled an act supplementary to an act to establish a state university, passed December 18, 1821, reported the following resolution: *Resolved*, That the bond to be given by the state treasurer, be one hundred thousand dollars, agreeably to the amendment made by the Senate: in which report the House concurred.

Ordered, That this House recede from their amendment to said bill. *Ordered*, That the clerk inform the Senate thereof.

A message was received from the Senate, by Mr. Lyon, their secretary.

Mr. Speaker—The Senate recede from their amendment to the bill, entitled an act to improve the navigation of the Tennessee River, by striking out the words “twenty-nine,” and inserting in lieu thereof the word “eighteen” in the last line of the 5th section.

They insist on their amendments to said bill, by adding the words “and keel” after the word “bottomed,” in the 1st line of the 7th section, by adding the words “ascending or” after the word “boats” in the 2d line of 7th sec. by striking out the words “at low tide” in said line, and by striking out the proviso at the end of the 7th section.

They have passed a bill, originating in their House, entitled an act for the relief of the people in certain counties therein named; in which they desire your concurrence. And then he withdrew.

Ordered, That this House insist on their amendment to the bill, entitled an act appropriating the fines and forfeitures accruing in Madison county, to the benefit of Greene Academy. *Ordered*, That the clerk inform the Senate thereof. *Ordered*, That this House con-
cure in the amendment made by the Senate to the bill, entitled an act to regulate the commissions of assessors & tax collectors in this state. *Ordered*, That the clerk inform the Senate thereof. Resolution from the Senate to appoint commissioners of reserved lands in the town of Cahawba; was read a first time: and the rule being suspended, it was read a 2d & 3d time & passed. *Ordered*, That the clerk inform the Senate thereof. *Ordered*, That this House recede from their disagreement to the several amendments made by the Senate to the bill, entitled an act to improve the navigation of the Tennessee River.

Ordered, That the clerk acquaint the Senate therewith.

Bill from the Senate, entitled an act for the relief of the people in certain counties therein named; was read a first time: and the rule being suspended, it was read a second time, and ordered to be read a third time to-morrow.

An engrossed bill, entitled an act to authorize the administratrix of Oliver Holman, deceased, late of the county of Mobile, to sell real estate; was read a third time and passed. *Ordered*, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

An engrossed bill, entitled an act for the relief of the tax collectors in certain counties therein named, and for other purposes; was read a third time. And then the House adjourned till half past 2 o'clock this evening. *Evening—half past 2 o'clock.*

Ordered, That Mr. Whitaker have leave of absence from this House after to day, for the balance of the session.

Mr. Hallett obtained leave to introduce a resolution in relation to the printing and distribution of the acts, resolutions and journals of the General Assembly; which was read a first time: and the rule being suspended, it was read a 2d and 3d time forthwith and passed.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Fitts, from the joint committee on enrolled bills, Reported, that said committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to authorize William Blake to emancipate a negro man slave named Jacob; An act to authorize the president and trustees of the University of Alabama, to dispose of the lands belonging to said institution by admitting entries; An act to compel parties to a suit, who plead the loss of any instrument in writing under which they claim a benefit, to make oath to the truth of such pleading; An act in relation to seamen belonging to vessels in merchants' service; An act to change the State Road, and for other purposes; An act to repeal in part and amend an act, entitled an act to incorporate the town of Athens, in Limestone county, passed 19th Nov. 1818; An act to amend the charter of the the Planters' and Merchants' Bank of Huntsville, and to provide for the speedy resumption of specie payments thereby; An act to compensate Ferdinand Sannoner for a map of the state of Alabama; An act to better regulate the proceedings of public officers in the several counties in this state; An act to provide for the payment of state witnesses; An act to incorporate the Claiborne Academy; and, An act to provide for the sale of lands and slaves at the towns of Courtland and Tuscumbia in certain cases; and, An act to emancipate the persons therein named.

Ordered, That this House concur in the amendments made by the Senate to the bill, entitled an act to revise and amend an act, entitled an act to revise, consolidate and amend the several acts relating to the militia of this state. *Ordered*, That the clerk inform the Senate thereof. *Ordered*, That this House disagree to the amendment made by the Senate to the bill, entitled an act amendatory to the laws now in force respecting roads. *Ordered*, That the clerk acquaint the Senate thereof. An engrossed bill, entitled an act to authorize David Dickenson, Reuben Hays & Wm. Hays, to emancipate certain negroes therein named; was read a third time and passed.

Ordered, That the title be as aforesaid.

Ordered, That the clerk inform the Senate thereof.

Mr. Fitts, from the joint committee on enrolled bills, Reported, that said committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to allow Henry Hitchcock compensation for superintending the printing of the Digest and making an Index for the same; An act to declare Bassett's Creek in Clarke county, a public highway, and for other purposes; An act to alter the time of holding courts in the 1st, 2d, 3d and 6th judicial circuits; An act to improve the navigation of the Coosa River, and to aid in its connexion with the Tennessee waters; An act in relation to the sixteenth sections; An act authorizing a lottery to aid in the improvement of the navigation of Indian Creek; Memorial of the General Assembly of the state of Alabama, to the Congress of the United States; Resolution authorizing the comptroller of public accounts to receive all moneys and notes arising from the rents of the reserved lands in the town of Cahawba.

Engrossed bills, entitled an act making appropriations for the year 1824; and, An act making appropriations for certain claims against the state; were severally read a 3d time & passed. *Ordered*, that the titles be as aforesaid; and that the clerk inform the Senate thereof.

A message from the Senate by Mr. Lyon, their secretary:

Mr. Speaker—The Senate have passed a bill, originating in your honorable body, entitled an act regulating the fees of justices and constables, to which they have made sundry amendments and in which they desire your concurrence. And then he withdrew.

Bill, entitled an act concerning executions, and for other purposes, was then taken into consideration.

Mr. Jackson moved that the further consideration of said bill be postponed indefinitely; which was carried—Yeas 30. Nays 14.

The yeas and nays being required thereon, those who voted in the affirmative are,

Mr. Speaker	Dennis	Hallett	M' Lemore	Perkins
Adair	Fields	Harrison	Moore, of Mar.	Salter
Beck	Fitts	Haines	Mardis	Sims
Brown	Fluker	Jackson	Phillips	Shotwell
Crenshaw	Fleming	Jones	Philpott	Tindall
Creagh	Goodhue	Lister	Pickett	Weissinger—30.

Those who voted in the negative, are,

Mr. Barclay	M'Vay	Manly	Peyton	Smith
King	Moore, of Mad.	Martin	Sargent	Whitaker—14.
Lanier	Moore, of J.	Powell	Skinner	

Message from the Senate, by Mr. Lyon, their secretary.

Mr. Speaker:—The Senate insist on their amendment to the bill, entitled an act amendatory of the laws now in force in this state respecting roads. The reason why they insist on their amendment is, that a law has already passed during the present session embracing the provisions contained in said second section of the bill: And then he withdrew.

Mr. Adair moved, that the bill, entitled an act regulating the fees of justices and constables, with the amendments made thereto by the Senate, be laid on the table till the 15th day of January next; which was lost.

Yeas 22

Nays 25.

The yeas & nays being required, those who voted in the affirmative, are,

Mr. Speaker	Creagh	Hill, of Bibb	Mardis	Sims
Adair	Dennis	Harrison	M'Laughlin	Weissinger—22.
Beck	Fields	Lister	Phillips	
Brown	Fluker	M' Lemore	Pickett	
Crenshaw	Hallett	Moore, of Mar.	Salter	

Those who voted in the negative, are,

Mr. Barclay	Jones	Moore, of J.	Philpott	Sargent
Fitts	King	Mead	Powell	Skinner
Goodhue	Lanier	Manly	Peyton	Smith
Haines	M'Vay	Martin	Perkins	Tindall
Jackson	Moore, of Mad.	Miller	Shotwell	Whitaker—25.

The house adj'd till 10 o'clock to-morrow.

Wednesday, Dec. 31.

Mr. Fitts, from the joint com. on enrolled bills, reported that said committee had examined, and found correctly enrolled, bills of the following titles, to wit: An act to repeal so much of an act, passed on the 13th day of Dec 1821, as allows Samuel Dale for life, the half pay of a colonel in the army of the United States; An act to authorize Wm. E. Dupree to emancipate a certain slave named Billy; An act allowing a certain salary to the Judge of the county court of Mobile county; An act for the relief of Thomas C. Jones; An act to provide for taking the census: An act to authorize the stockholders in the Tombeckbe Bank to remove the same; An act declaring the old road from Warren Stone's in Montgomery county, to the town of Montgomery the state road, and for other purposes: An act to enable the mayor and aldermen of the city of Mobile to pass

quarantine laws ; An act restricting officers from taking commissions on costs collected by them on execution ; Resolution concerning the district court of the United States ; Resolution in relation to certain depreciated paper in the treasury of this state ; An act to regulate the commissions of assessors and tax collectors ; An act to revise and amend an act entitled an act, to revise, consolidate and amend the several acts relative to the militia of this state.

Message from the Senate by Mr. Lyon, their secretary : Mr. Speaker, the Senate have passed a bill, originating in your house, entitled An act making appropriations for the year 1824. They have also passed a resolution in relation to the printing and distribution of the acts resolutions and journals of the General Assembly ; which originated in your house. They have also passed a bill, originating in your house, entitled an act to authorize Rodah Horton and associates, to construct a turnpike road therein named ; which they have amended, and in which they desire your concurrence. They have also passed a bill, originating in your house, entitled an act to authorize David Dickinson, Reuben Hays and Wm. Hays, to emancipate certain negroes therein named. They insist upon their disagreement, to the amendment made by your honorable body, to the bill entitled an act appropriating the fines and forfeitures accruing in Madison county, to the benefit of Greene Academy. They have passed a resolution originating in their house, entitled resolution providing for the safe keeping of the furniture belonging to the state-house ; in all which they desire your concurrence. *Ordered*, that this house concur in the amendments made by the senate, to the bill, entitled an act to authorize Rodah Horton and associates, to construct a turnpike road therein named. *Ordered*, that the clerk acquaint the senate therewith. *Ordered*, that the house adhere to their amendment to the bill entitled an act appropriating the fines and forfeitures accruing in Madison county, to the benefit of Greene Academy. *Ordered*, that the clerk inform the senate thereof.

Resolution from the senate, providing for the safe keeping of the furniture belonging to the state house, was read a first time ; and the rule being successively dispensed with, it was read a second and third time and passed. *Ordered*, that the clerk acquaint the senate therewith.

Ordered, that this house concur in the amendments made by the senate to the bill, entitled an act amendatory of the laws now in force respecting roads. *Ordered*, that the clerk inform the senate thereof.

A communication was received from the Governor, by Mr. Pleasants, secretary of state, which he delivered in at the speaker's table, and then he withdrew. Said communication was in writing, and is as follows :

Executive Department, Dec. 31, 1823.

Gentlemen of the Senate, and of the House of Representatives,

I feel it my duty while certain subjects having an important relation to our navigable waters have been under consideration, and may yet be within the reach of the General Assembly, to call your attention to the ordinance passed in convention and appended to the constitution of the state ; the last clause of which provides in the following words : that all navigable waters within this state shall for ever remain public highways free to the citizens of this state and of the United States, without any tax, duty, impost or toll therefor imposed by this state, and this ordinance is hereby declared irrevocable without the consent of the United States." Taking this clause in its most comprehensive sense it may well be questioned, whether a shoal intercepting a navigable river may be subjected to toll, for improving the same, without the assent of the U. States ; and it will always be a question depending on the topography of the several places improved, to determine how far a given improvement may tend to limit the existing liberty of any navigation on any river. Believing that Congress will assent to a proposition so laudable,

so extensively beneficial, and at the same time so reasonable, I recommend that an act may be passed subjecting such acts as have been passed at the present session, proposing to improve any navigable rivers by liberty of toll, or by exclusive rights to the condition of the assent of Congress being had thereto. I have the honor to be, **MR. ISRAEL PICKENS.**

Ordered, That said communication be referred to a select committee, consisting of Messrs. Blair, Jackson, Martin, Weissinger and Crenshaw.

Mr. Fitts, from the joint committee on enrolled bills, reported that said committee had examined and found correctly enrolled, bills of the following titles, to wit: An act to repeal in part, and amend an act, entitled an act, supplementary to an act to establish a state university, passed Dec. 18, 1821; An act to authorize the judge of the county court and commissioners of roads and revenue of Mobile county, to levy an extra tax for the purpose of building a court house and jail in said county, and for other purposes; An act to incorporate the Limestone and Flint River Navigation Companies; An act to improve the navigation of the Tennessee river; and Resolution appointing commissioners of the reserved lands in the town of Calowba.

Message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker,* The Senate have passed bills originating in your house, entitled An act to authorize the administratrix of Oliver Hohman, deceased, late of the county of Mobile, to sell real estate; and for other purposes. An act dividing the 22d regiment of Alabama militia: which they have amended, and in which amendments, they desire your concurrence. They adhere to their disagreement to the amendment made by your honorable body to the bill, entitled an act appropriating the fines and forfeitures accruing in Madison county to the benefit of Greene Academy: They have appointed a committee of conference on their part consisting of Messrs. Casey, Bibb, and Hopkins to meet and confer with such committee as may be appointed on the part of your honorable body on said disagreement—and then he withdrew.

An engrossed bill, entitled An act for the relief of the tax collectors in certain counties therein named; was read a third time and passed. Yeas 24, Nays 23.

The yeas & nays being required, those who voted in the affirmative, are,

Mr. Adair	Fluker	Lanier	Martin	Smith
Beck	Hallett	McVay	Miller	Tindall
Barclay	Jackson	Moore, of Mad.	Powell	Whitaker
Crenshaw	Jones	Moore of J.	Peyton	Young—24.
Fields	King	Mead	Pickett	

Those who voted in the negative, are,

Mr. Speaker	Goodhue	McLemore	Philpott	Sargent
Brown	Hill of B.	Moore of Mar.	Perkins	Skinner
Creagh	Harrison	Mardis	Sims	Weissinger—23.
Dennis	Haines	M'Laughlin	Salter	
Fitts	Lister	Manly	Shotwell	

Ordered, That the title be as aforesaid. *Ordered,* That the clerk acquaint the Senate therewith.

A communication from the Senate, by Mr. Lyon, their secretary:—*Mr. Speaker*—The Senate have appointed a committee on their part, consisting of Messrs. Hopkins, Bibb & Shackelford, to act with such committee as may be appointed on the part of your honorable body, to take into consideration the Message of the Governor of this day upon the subject of our navigable waters. And then he withdrew.

Ordered, That the select committee appointed by this House on said communication, be a committee of conference to act with the committee on the part of the Senate on said communication of the Governor.

A message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker,* The Senate have passed bills, originating in your house, entitled An act for the relief of Robert H. Gregg, tax collector for Wilcox county for the year 1820; An act for the relief of Thomas Berry, and An act supplementary to an act allowing an additional number of jurors to the Madison circuit court—and then he withdrew.

A communication was received from the Governor, by Mr. Pleasants, secretary of state, notifying this house, that the Governor did on this day approve and sign, An act to change the state road, and for other purposes: An act to amend the charter of the Planters & Merchants Bank of Hunts-

ville, and to provide for the speedy resumption of specie payments there-
by : An act in relation to seamen belonging to vessels in the merchants'
service : An act to authorize William Blake to emancipate a negro man
slave named Jacob : An act to incorporate the trustees of the Claiborne
Academy ; An act to provide for the sale of lands and slaves at the towns
of Courtland and Tuscombina in certain cases ; An act to better regulate
the proceedings of public officers, in the several counties in this state ;
An act to compensate Ferdinand Sannoner for a map of the state of Ala-
bama ; An act to emancipate certain persons therein named ; An act to
authorize the President and trustees of the University of Alabama, to dis-
pose of the lands belonging to said institution, by admitting entries ; An
act to compel parties to a suit who plead the loss of any instrument in
writing under which they claim a benefit, to make oath to the truth of
such pleading ; An act to repeal in part, and amend an act entitled an act
to incorporate the town of Athens in Limestone county, passed the 19th
day of Nov. 1818 ; and an act to provide for the payment of state witnes-
ses—all of which originated in the House of Representatives.

A communication was received from the Senate by Mr. Lyon, their se-
cretary : *Mr. Speaker*, the Senate have passed a bill which originated in
your House, entitled an act authorizing the county court of Limestone
county to make certain allowances therein named. And then he withdrew.

Ordered, That the House concur in the amendments made by the
Senate to the bill, entitled an act dividing the 22d regiment of Ala-
bama militia. *Ordered*, That the clerk inform the Senate thereof.

Ordered, That Messrs. Adair, Miller, Lanier and King, be appoint-
ed a committee of conference, to act with the committee appointed
on the part of the Senate, in relation to the disagreement between
the two Houses, on the amendment made by this House to the bill,
entitled an act appropriating the fines and forfeitures accruing in
Madison county, to the benefit of Greene Academy.

Ordered, That the clerk inform the Senate thereof.

A bill from the Senate, entitled an act for the relief of the people
in certain counties therein named, was read a third time and passed.

Yeas 26.

Nays 20.

The yeas and nays being required thereon, those who voted in the affirmative are,

Mr. Brown	King	Moore of Mar.	Phillips	Sargent
Barclay	Lanier	Mead	Philpott	Skinner
Fleming	McVay	Mauly	Powell	Smith
Goodhue	Moore of Mad.	Martin	Peyton	Whitaker
Jackson Jones	Moore of J.	Miller	Pickett	Young—26;

Those who voted in the negative, are,

Mr. Speaker	Dennis	Hallett	Mardis	Shotwell
Beck	Fields	Harrison	McLaughlin	Sims
Crenshaw	Fitts	Lister	Perkins	Tindall
Creagh	Fluker	McLemore	Salter	Weissinger—20.

Ordered, That the clerk inform the Senate thereof.

Resolution proposing an alteration to the 13th section and 5th ar-
ticle of the Constitution of the state of Alabama, was read a third
time, and there not being the constitutional majority for it, it was
lost—Yeas 27, Nays 15. Those who voted in the affirmative are,

Mr. Speaker	Goodhue	Mardis	Philpott	Sargent
Beck	Hallett	Mead	Pickett	Skinner
Brown	Lister	Martin	Salter	Smith
Crenshaw	McLemore	Miller	Sims	Whitaker
Dennis	McVay	Phillips	Shotwell	Weissinger—27;
Fitts	Moore of Mad.			

Those who voted in the negative, are,

r. Barclay	Fluker	Jackson	Moore of Mar.	Perkins
Creagh	Fleming	Jones	Mauly	Tindall
Fields	Harrison	Moore of J.	Peyton	Young—15;

Beck
Crenshaw
Creagh
Hallett

Those who voted in the negative, are,

Mr. Brown	Jackson	Moore of Mad.	Peyton	Smith
Barclay	Jones	Mead	Perkin	Tindall
Fitts	King	Manly	Shotwell	Whitaker
Fleming	Lanier	Martin	Sargent	Young--25.
Goodhue	McVay	Philpott		

The question was then taken on agreeing to the following amendment made by the Senate:

Sec. 4. *And be it further enacted*, That the counsellors and attorneys at law shall be entitled to receive none other than the following fees, to wit:

For prosecuting or defending a suit in the county court, \$2 00

For like services in the circuit court, 3 00

For prosecuting or defending a suit in chancery, 10 00

For prosecuting or defending a mixed or real action, when the titles or bounds of lands are in question, 15 00

And decided in the affirmative—Yeas 31, Nays 17.

The yeas and nays thereon being required, those who voted in the affirmative are,

Mr. Brown	Harrison	McLemore	Manly	Shotwell
Dennis	Jackson	McVay	Philpott	Sargent
Fields	Jones	Moore of Mad.	Powell	Skinner
Fitts	King	Moore of J.	Peyton	Smith
Fluker	Lister	Mead	Perkins	Whitaker
Fleming	Lanier	McLaughlin	Salter	Young--31.

Those who voted in the negative, are,

Mr. Speaker	Crenshaw	Moore of Mar.	Miller	Sims
Adair	Creagh	Wardis	Phillips	Tindall
Beck	Goodhue	Martin	Pickett	Weissinger--17.
Barclay	Hallett			

The question was then taken on agreeing to the following amendment made by the Senate:

Sec. 5. *And be it further enacted*, That if any counsellor or attorney at law shall, either directly or indirectly, charge or receive a larger fee than is allowed in the foregoing section, without making a special contract for the same, he shall be liable to a prosecution for extortion; and decided in the affirmative—Yeas 32, Nays 16.

The yeas & nays being required, those who voted in the affirmative are,

Mr. Brown	Harrison	McVay	Manly	Sargent
Barclay	Jackson	Moore of Mad.	Phillips	Skinner
Dennis	Jones	Moore of Mar.	Philpott	Smith
Fields	King	Mandis	Peyton	Whitaker
Fitts	Lister	Mead	Perkins	Weissinger
Fluker	Lanier	McLaughlin	Shotwell	Young--32.
Hill of B.	McLemore			

Those who voted in the negative, are,

Mr. Speaker	Creagh	Hallett	Miller	Salter
Beck	Fleming	Moore of J.	Phillips	Sim
Crenshaw	Goodhue	Martin	Pickett	

Ordered, That this House concur in the amendmen-
tional sections. *Ordered*, That this House disagree-
ments made by the Senate to the said bill. *Order*
quaint the Senate therewith. The House

Evening—8 o'clock.

A message from the Senate, by Mr. Lyon, their secretary.

Mr. Speaker—The Senate concur in the amendments made by your honorable body to the bill, entitled an act for the relief of the people of the state of Alabama. They recede from their amendments to the bill, entitled an act regulating the fees of justices, constables and lawyers, by striking out all of the first section after the enacting clause; by striking out the words, "And be it further enacted," in the 2d section; and by striking out the words "above recited act," and inserting in lieu thereof the words "an act to revise, consolidate, and amend the several acts relative to justices of the peace and constables, passed December 27, 1814." And then he withdrew.

Mr. Adair, from the joint committee appointed by this House on the communication of the Governor concerning the navigable waters of this state, reported a bill, to be entitled an act supplemental to and explanatory of two acts—one to improve the navigation of the Coosa river, and to aid in its connexion with the Tennessee waters; and the other to improve the navigation of the Tennessee river: which was read a first time, and the rule being suspended, it was read a second and third time forthwith, and passed. *Ordered*, That the title be as aforesaid.

Ordered, That the clerk acquaint the Senate therewith.

The House then took up a bill, entitled an act to increase the compensation of jurors in the counties therein named and for other purposes.

Ordered, That this House concur in the amendments made thereto by the Senate. *Ordered*, That the clerk acquaint the Senate therewith.

Message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*—The Senate have passed a bill, originating in your House, entitled an act making appropriations for certain claims against the state, and for other purposes; which they have amended, and in which amendment they desire your concurrence. They have also passed a bill, originating in your House, entitled an act supplemental to and explanatory of two acts; one to improve the navigation of the Coosa river, and to aid in its connexion with the Tennessee waters—and the other to improve the navigation of the Tennessee river. And then he withdrew.

Ordered, That this House concur in the amendments made by the Senate to the bill, entitled an act making appropriations for certain claims against the state. *Ordered*, That the clerk acquaint the Senate therewith.

Message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*—The Senate have concurred in the report of the committee of conference appointed on their part to act with the one appointed on the part of your honorable body, upon the subject matter of disagreement between the two Houses in relation to the amendment made by your honorable body to the bill, entitled an act appropriating the fines and forfeitures accruing in Madison county, to the benefit of Greene Academy: which report recommends to them to recede from their disagreement to said amendment. And then he withdrew.

Mr. Weissinger obtained leave to introduce the following joint resolution: Resolution authorizing the commissioners of the loan for the State Bank, to prepare certain rooms in the state-house, to carry on the operations of the bank, which resolution was read a first time; and the rule being suspended, it was read a 2d time forthwith, & ordered to lie on the table.

Mr. Adair obtained leave to introduce the following resolution: Resolution requesting our Senators and Representatives in Congress, to procure the assent of Congress to two bills for the improvement of our navigation:—which was read a first time, and the rule being successively suspended, it was read a 2d and 3d time forthwith and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Mr. Phillips being in the chair, on motion of Mr. Perkins, *Resolved*, unanimously, that the thanks of this House be, and are hereby presented to the honorable Samuel W. Oliver, speaker of this house, for the full and impartial manner in which he has discharged the duties of his office.

Message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*—The Senate have passed a resolution requesting our

representatives in Congress, to procure the assent of Congress, to two bills for the improvement of our navigation.

They have also adopted the following resolution: Resolved, That a committee be appointed on the part of this House, to act with such committee, as may be appointed on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him that the two Houses have completed the business before them and are ready to adjourn *sine die*, if he has no further communication to make. They have appointed on their part, Messrs. Moore and Bibb; in which they desire your concurrence. And then he withdrew. Ordered, That this House concur in said resolution: Whereupon Messrs. Adair, Manly and McLe-more were appointed a joint committee on the part of this House.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Phillips to introduce the following joint resolution: Resolution appointing John A. Cotton and Williams Hendrick, commissioners to examine the state road leading from Line Creek to Coffeeville; which was read three times (the rule having been successively dispensed with) and passed. Ordered, that the clerk inform the Senate thereof.

Mr. Martin, from the joint committee on enrolled bills, reported, that said committee had examined, and found correctly enrolled, bills of the following titles, to wit: An act supplemental to, and explanatory of two acts, one to improve the navigation of the Coosa river, and to aid in its connexion with the Tennessee waters; and the other to improve the navigation of the Tennessee river; Resolutions in relation to the printing and distribution of the acts, resolutions and journals of the General Assembly; An act to authorize David Dickinson, Reuben Hays and William Hays to emancipate certain slaves therein named; An act for the relief of Robert H. Grigg, tax collector of Wilcox county, for the year 1820; An act amendatory to the laws now in force respecting roads, &c. An act making appropriations for the year 1824; An act to authorize the county court of Limestone county, to make certain allowances therein named; An act supplementary to an act allowing an additional number of jurors to the Madison circuit; An act for the relief of Thomas Perry; An act dividing the 22d regiment of Alabama militia; An act to authorize the administratrix of Oliver Holman, dec'd, late of the county of Mobile, to sell real estate, and for other purposes; Resolution providing for the safe keeping of the furniture belonging to the state-house; An act regulating the fees of justices, constables and lawyers; An act to increase the compensation of jurors.

And then the house adjourned 'till 7 o'clock this evening.

Evening—7 o'clock

Message from the Senate by Mr. Lyon, their secretary:—*Mr. Speaker*, the Senate have read three times and passed, a resolution originating in your House, entitled Resolution appointing John W. Cotton and Williams Hendrick, commissioners to examine the state road leading from Line Creek to Coffeeville.

A communication was received from the Governor, by Mr. Pleasant, secretary of state, which he delivered in at the speaker's table. And then he withdrew. The said communication was in writing, and was as follows:

Executive Office, Dec. 31, 1823.

Gentlemen of the House of Representatives:—I return to the House of Representatives, in which it originated, the act entitled an act supplementary to an act following

two acts, one to improve the navigation of the Coosa River, and to add its connexion with the Tennessee waters; and the other to improve the navigation of the Tennessee River; Resolutions in relation to the printing and distribution of the acts, resolutions and journals of the General Assembly; An act for the relief of Thomas Berry; An act to authorize the administratrix of Oliver Holmen, deceased, late of Mobile county, to sell real estate, and for other purposes; An act making appropriations for the year 1824; An act dividing the 22d regiment of Alabama militia; An act to improve the navigation of Tennessee River; An act regulating the fees of justices, constables and lawyers; An act for the relief of Robert H. Gregg, tax collector of Wilcox county for the year 1820; An act amendatory to the laws now in force respecting roads, &c. An act to authorize David Dickinson, Reuben Hays and William Hays to emancipate certain negroes therein named; An act authorizing the county court of Limestone to make certain allowances therein named; An act to regulate the commissions of assessors and tax collectors; & An act to revise and amend an act, entitled an act to revise, consolidate & amend the several acts relative to the militia of this state; all of which originated in the House of Representatives.

Mr. Martin, from the joint committee on enrolled bills, Reported, that said committee have examined and found correctly enrolled, bills of the following titles, to wit:

§ An act appropriating the fines and forfeitures accruing in Madison county, to the benefit of Greene Academy; An act for the relief of the collectors therein named; Resolutions requesting our Senators and Representatives in Congress, to procure the assent of Congress to two bills, for the improvement of our navigation; An act making appropriations for certain claims against the state and for other purposes; An act to authorize Rodah Horton and his associates, to construct a turnpike road therein named; Resolution appointing J. A. Cotton & Wm. Hendrick, commissioners to examine the State Road leading from Line Creek to Coffeeville.

On motion of Mr. Jones. Resolved, That a message be sent to the Senate, informing them, that this House has finished all the business before them, and are now ready to adjourn *sine die*. Ordered, That the clerk inform the Senate thereof.

A communication was received from the Governor, by Mr. Pleasant secretary of state, notifying this House, that the Governor did, on that day approve and sign; An act to authorize Rodah Horton and associates to construct a turnpike road therein named; Resolution requesting Senators and Representatives in Congress, to procure the assent of Congress to two bills for the improvement of our navigation; An act making appropriations for certain claims against the state and for other purposes; Resolution, appointing John A. Cotton and Williams Hendrick, commissioners to examine the state road leading from Line Creek to Coffeeville; all of which originated in the House of Representatives.

Mr. Adair, from the joint committee, appointed by the two houses to wait on his excellency the Governor, to inform him that the two houses had gone through the business before them; and were ready to adjourn *sine die*, if he had no further communication to make; Reported, that said committee had performed that duty, and received for answer, that he had no further communications to make.

A message was received from the Senate by Mr. Lyons their secretary, informing this House that the Senate having finished the business before them, were about to adjourn *sine die*.

Mr. Adair then moved, that this House do now adjourn *sine die*. The motion was carried.

The speaker then, after making his acknowledgments, retired, and in an appropriate manner, pronounced that the day had passed, and that the day was over.